

## Request for Reconsideration after Final Action

The table below presents the data as entered.

Input Field	Entered
<b>SERIAL NUMBER</b>	77078496
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 104
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
Please see the actual argument text attached within the Evidence section.	
<b>EVIDENCE SECTION</b>	
<b>EVIDENCE FILE NAME(S)</b>	
<b>ORIGINAL PDF FILE</b>	<a href="#">evi_12141226-20141023174431974142_. Request for Reconsideration - IPHONE in Classes 41 and 42.pdf</a>
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<b>DESCRIPTION OF EVIDENCE FILE</b>	Applicant's Request for Reconsideration and supporting Exhibits A, B, and C
<b>GOODS AND/OR SERVICES SECTION (041)(current)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Entertainment services, namely, providing online computer databases featuring information in the fields of music, video, film, books, television entertainment, games and sports; and providing consultation services relating to all the aforesaid	
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/29/2007
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 06/29/2007
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (041)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	041
<b>DESCRIPTION</b>	
Entertainment services, namely, providing online computer databases featuring information in the fields of music, video, film, books, television entertainment, games and sports; and providing consultation services relating to all the aforesaid	
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/29/2007
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 06/29/2007
<b>STATEMENT TYPE</b>	<b>"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"</b> <i>[for an application based on Section 1(a), Use in Commerce]</i> <b>OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing</b>

	<b>deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].</b>
<b>SPECIMEN FILE NAME(S)</b>	
<b>ATTACHMENT</b>	APPLICANT-SUPPLIED FILE (SOUND/MOTION)
<b>SPECIMEN DESCRIPTION</b>	a video file containing two Apple commercials showing use of the IPHONE mark with the recited services
<b>GOODS AND/OR SERVICES SECTION (042)(current)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>DESCRIPTION</b>	
computer hardware and software consulting services; multimedia and audio-visual software consulting services; providing technical troubleshooting support for computer systems, databases and applications; providing consultation services for developing computer systems, databases and applications; information relating to computer technology provided on-line from a global computer network or the Internet; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; computer services, namely, creating indexes of information, and other resources available on global computer networks for others; customized searching at the specific request of end users, allowing the end user to browse and retrieve information, sites, and other resources available on global computer networks; and consultation services relating to all the aforesaid	
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/29/2007
<b>FIRST USE IN COMMERCE DATE</b>	At least as early as 06/29/2007
<b>FILING BASIS</b>	Section 1(b)
<b>GOODS AND/OR SERVICES SECTION (042)(proposed)</b>	
<b>INTERNATIONAL CLASS</b>	042
<b>DESCRIPTION</b>	
computer hardware and software consulting services; multimedia and audio-visual software consulting services; providing technical troubleshooting support for computer systems, databases and applications; providing consultation services for developing computer systems, databases and applications; information relating to computer technology provided on-line from a global computer network or the Internet; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; computer services, namely, creating indexes of information, and other resources available on global computer networks for others; customized searching at the specific request of end users, allowing the end user to browse and retrieve information, sites, and other resources available on global computer networks; and consultation services relating to all the aforesaid	
<b>FIRST USE ANYWHERE DATE</b>	At least as early as 06/29/2007
<b>FIRST USE IN</b>	

COMMERCE DATE	At least as early as 06/29/2007
STATEMENT TYPE	"The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application" [for an application based on Section 1(a), Use in Commerce] OR "The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use" [for an application based on Section 1(b) Intent-to-Use].
SPECIMEN FILE NAME(S)	
ORIGINAL PDF FILE	<a href="#">SPU1-12141226-20141023174431974142 . First substitute specimen - class 42.pdf</a>
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ORIGINAL PDF FILE	<a href="#">SPU1-12141226-20141023174431974142 . second substitute specimen - class 42.pdf</a>
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SPECIMEN DESCRIPTION	screen shots from Applicant's website showing use of the IPHONE mark with the recited services
SIGNATURE SECTION	
DECLARATION SIGNATURE	/ikc/
SIGNATORY'S NAME	Irene Chong
SIGNATORY'S POSITION	Senior Counsel, California Bar Member
SIGNATORY'S PHONE NUMBER	408.783.0950
DATE SIGNED	10/23/2014
RESPONSE SIGNATURE	/ikc/
SIGNATORY'S NAME	Irene K. Chong
SIGNATORY'S POSITION	Senior Counsel
DATE SIGNED	10/23/2014
AUTHORIZED	YES

<b>SIGNATORY</b>	
<b>CONCURRENT APPEAL NOTICE FILED</b>	NO
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Thu Oct 23 19:25:45 EDT 2014
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PTO Form 1960 (Rev 9/2007)  
OMB No. 0651-0050 (Exp. 07/31/2017)

## Request for Reconsideration after Final Action To the Commissioner for Trademarks:

Application serial no. **77078496** has been amended as follows:

### ARGUMENT(S)

**In response to the substantive refusal(s), please note the following:**

Please see the actual argument text attached within the Evidence section.

### EVIDENCE

Evidence in the nature of Applicant's Request for Reconsideration and supporting Exhibits A, B, and C has been attached.

#### Original PDF file:

[evi\\_12141226-20141023174431974142\\_. Request for Reconsideration -  
\\_IPHONE in Classes 41 and 42.pdf](#)

#### Converted PDF file(s) ( 14 pages)

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)



[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

**Original PDF file:**

[evi\\_12141226-20141023174431974142\\_.Exhibit\\_A.pdf](#)

**Converted PDF file(s) ( 23 pages)**

[Evidence-1](#)

[Evidence-2](#)

[Evidence-3](#)

[Evidence-4](#)

[Evidence-5](#)

[Evidence-6](#)

[Evidence-7](#)

[Evidence-8](#)

[Evidence-9](#)

[Evidence-10](#)

[Evidence-11](#)

[Evidence-12](#)

[Evidence-13](#)

[Evidence-14](#)

[Evidence-15](#)

[Evidence-16](#)

[Evidence-17](#)

[Evidence-18](#)

[Evidence-19](#)

[Evidence-20](#)

[Evidence-21](#)

[Evidence-22](#)

[Evidence-23](#)

**Original PDF file:**

[evi\\_12141226-20141023174431974142\\_.Exhibit\\_B.pdf](#)

**Converted PDF file(s) ( 2 pages)**

[Evidence-1](#)

[Evidence-2](#)

**Original PDF file:**

[evi\\_1-12141226-20141023174431974142\\_.Exhibit\\_C.pdf](#)

**Converted PDF file(s) ( 93 pages)**

[Evidence-1](#)

[Evidence-2](#)

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[Evidence-4](#)

[Evidence-5](#)

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[Evidence-7](#)

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[Evidence-80](#)  
[Evidence-81](#)  
[Evidence-82](#)  
[Evidence-83](#)  
[Evidence-84](#)  
[Evidence-85](#)  
[Evidence-86](#)  
[Evidence-87](#)  
[Evidence-88](#)  
[Evidence-89](#)  
[Evidence-90](#)  
[Evidence-91](#)  
[Evidence-92](#)  
[Evidence-93](#)

## **CLASSIFICATION AND LISTING OF GOODS/SERVICES**

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 041 for Entertainment services, namely, providing online computer databases featuring information in the fields of music, video, film, books, television entertainment, games and sports; and providing consultation services relating to all the aforesaid

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 041, the mark was first used at least as early as 06/29/2007 and first used in commerce at least as early as 06/29/2007 .

**Proposed:** Class 041 for Entertainment services, namely, providing online computer databases featuring information in the fields of music, video, film, books, television entertainment, games and sports; and providing consultation services relating to all the aforesaid

Deleted Filing Basis: 1(b)

In International Class 041, the mark was first used at least as early as 06/29/2007 . and first used in commerce at least as early as 06/29/2007 .

Applicant hereby submits one(or more) specimen(s) for Class 041 . The specimen(s) submitted consists of a video file containing two Apple commercials showing use of the IPHONE mark with the recited services

**" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"***[for an application based on Section 1(a), Use in Commerce]* OR **" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use "***[for an application based on Section 1(b) Intent-to-Use]* .

**Attachment:**

APPLICANT-SUPPLIED FILE (SOUND/MOTION)

**Applicant proposes to amend the following class of goods/services in the application:**

**Current:** Class 042 for computer hardware and software consulting services; multimedia and audio-visual software consulting services; providing technical troubleshooting support for computer systems, databases and applications; providing consultation services for developing computer systems, databases and applications; information relating to computer technology provided on-line from a global computer network or the Internet; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; computer services, namely, creating indexes of information, and other resources available on global computer networks for others; customized searching at the specific request of end users, allowing the end user to browse and retrieve information, sites, and other resources available on global computer networks; and consultation services relating to all the aforesaid

Original Filing Basis:

**Filing Basis: Section 1(b), Intent to Use:** The applicant has had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. (15 U.S.C. Section 1051(b)).

In International Class 042, the mark was first used at least as early as 06/29/2007 and first used in commerce at least as early as 06/29/2007 .

**Proposed:** Class 042 for computer hardware and software consulting services; multimedia and audio-visual software consulting services; providing technical troubleshooting support for computer systems, databases and applications; providing consultation services for developing computer systems, databases and applications; information relating to computer technology provided on-line from a global computer network or the Internet; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; computer services, namely, creating indexes of information, and other resources available on global computer networks for others; customized searching at the specific request of end users, allowing the end user to browse and retrieve

information, sites, and other resources available on global computer networks; and consultation services relating to all the aforesaid

Deleted Filing Basis: 1(b)

In International Class 042, the mark was first used at least as early as 06/29/2007 . and first used in commerce at least as early as 06/29/2007 .

Applicant hereby submits one(or more) specimen(s) for Class 042 . The specimen(s) submitted consists of screen shots from Applicant's website showing use of the IPHONE mark with the recited services .

**" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce at least as early as the filing date of the application"***[for an application based on Section 1(a), Use in Commerce]* OR **" The substitute (or new, if appropriate) specimen(s) was/were in use in commerce prior either to the filing of the Amendment to Allege Use or expiration of the filing deadline for filing a Statement of Use "***[for an application based on Section 1(b) Intent-to-Use]* .

**Original PDF file:**

[SPU1-12141226-20141023174431974142 . First substitute specimen - class 42.pdf](#)

**Converted PDF file(s)** ( 1 page)

[Specimen File1](#)

**Original PDF file:**

[SPU1-12141226-20141023174431974142 . second substitute specimen - class 42.pdf](#)

**Converted PDF file(s)** ( 3 pages)

[Specimen File1](#)

[Specimen File2](#)

[Specimen File3](#)

## **SIGNATURE(S)**

### **Declaration Signature**

DECLARATION: The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that, if the applicant submitted the application or amendment to allege use (AAU) unsigned, all statements in the application or AAU and this submission based on the signatory's own knowledge are true, and all statements in the application or AAU and this submission made on information and belief are believed to be true.

STATEMENTS FOR UNSIGNED SECTION 1(a) APPLICATION/AAU: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(a) or AAU under 15 U.S.C. Section 1051(c), the signatory additionally believes that: the applicant is the owner of the trademark/service mark sought to be registered; the applicant or the applicant's related company or licensee is using the mark in commerce and has been using the mark in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU, and such use by the applicant's related company or licensee inures to the benefit of the applicant; the original specimen(s), if applicable, shows the mark in use in commerce as of the filing date of the application or AAU on or in connection with the goods/services in the application or AAU; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

STATEMENTS FOR UNSIGNED SECTION 1(b)/SECTION 44 APPLICATION: If the applicant filed an unsigned application under 15 U.S.C. Section 1051(b), Section 1126(d), and/or Section 1126(e), the signatory additionally believes that: the applicant is entitled to use the mark in commerce; the applicant has a bona fide intention and has had a bona fide intention as of the application filing date to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the goods/services in the application; and to the best of the signatory's knowledge and belief, no other person has the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion or mistake, or to deceive.

Signature: /ikc/     Date: 10/23/2014  
Signatory's Name: Irene Chong  
Signatory's Position: Senior Counsel, California Bar Member  
Signatory's Phone Number: 408.783.0950

**Request for Reconsideration Signature**

Signature: /ikc/     Date: 10/23/2014  
Signatory's Name: Irene K. Chong  
Signatory's Position: Senior Counsel

The signatory has confirmed that he/she is an attorney who is a member in good standing of the bar of the highest court of a U.S. state, which includes the District of Columbia, Puerto Rico, and other federal territories and possessions; and he/she is currently the applicant's attorney or an associate thereof; and to the best of his/her knowledge, if prior to his/her appointment another U.S. attorney or a Canadian attorney/agent not currently associated with his/her company/firm previously represented the applicant in this matter: (1) the applicant has filed or is concurrently filing a signed revocation of or substitute power of attorney with the USPTO; (2) the USPTO has granted the request of the prior representative to withdraw; (3) the applicant has filed a power of attorney appointing him/her in this matter; or (4) the applicant's appointed U.S. attorney or Canadian attorney/agent has filed a power of attorney appointing him/her as an associate attorney in this matter.

The applicant is not filing a Notice of Appeal in conjunction with this Request for Reconsideration.

Serial Number: 77078496  
Internet Transmission Date: Thu Oct 23 19:25:45 EDT 2014  
TEAS Stamp: USPTO/RFR-12.1.41.226-201410231925458791  
90-77078496-500ec6a604151b9cb319572a2f01  
69fb6cd47695d7e71a5344b8aa88ad1381c2e6-N  
/A-N/A-20141023190555961059

## **Request for Reconsideration – SN 77078496 – IPHONE in Classes 41 and 42**

This Request for Reconsideration is in response to the Final Office Action mailed April 23, 2014 (the “Final Refusal” or “FOA”), which includes a final refusal of the specimens filed by Applicant, Apple, Inc. (“Apple”), in connection with Apple’s Statement of Use dated August 12, 2013 (the “Specimens”).

Applicant has filed a Notice of Appeal. Applicant respectfully requests that its appeal be suspended pending the PTO’s reconsideration of the final refusal on the grounds outlined in this response.

### **Introduction**

In the Final Refusal, the U.S. Patent & Trademark Office (“PTO”) maintained its refusal of Apple’s Specimens on the ground that the Specimens purportedly do not show the applied-for mark in use in commerce in connection with any of the services specified in the Statement of Use. (FOA at 2.) The PTO’s position is that while the applied-for mark IPHONE appears in the Specimens, IPHONE identifies Apple’s handheld mobile electronic device and does not show IPHONE used as a service mark in the sale or advertising of the services identified in the application. *Id.*

For the reasons set forth more fully below, Apple respectfully disagrees.

### **I. APPLE’S SPECIMENS PREVIOUSLY FILED WITH ITS STATEMENT OF USE SHOW VALID TRADEMARK USE FOR THE CLASS 41 AND 42 SERVICES**

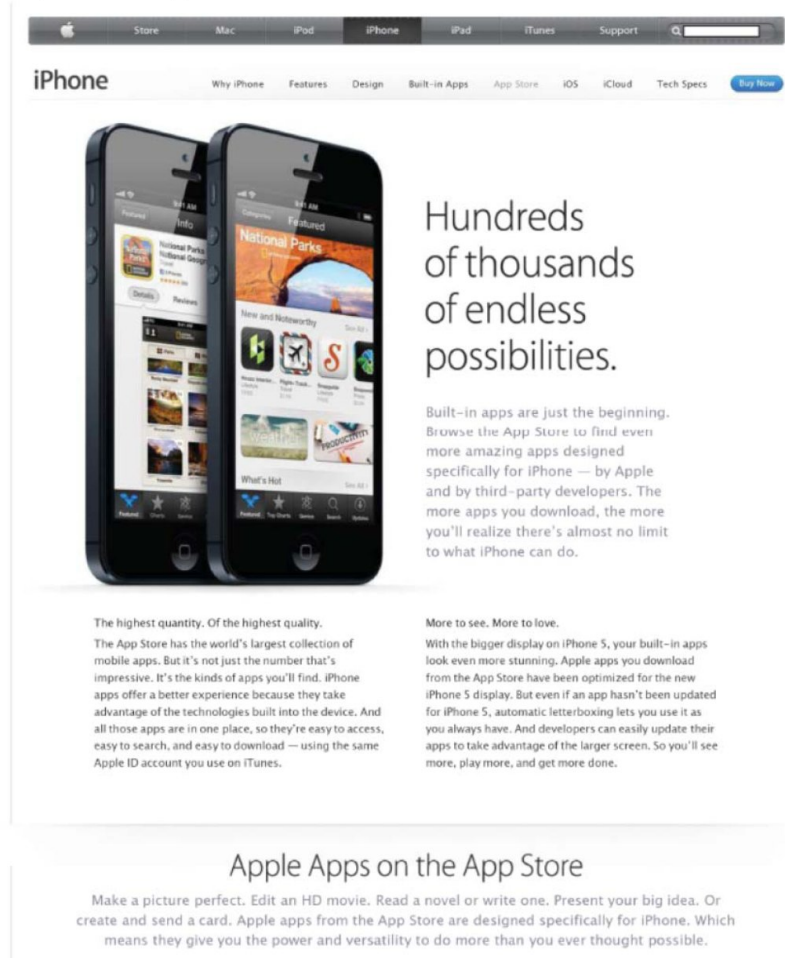
Apple respectfully submits that its previously filed specimens show valid use of the IPHONE mark in connection with the relevant services under the application, and therefore the Final Refusal should be withdrawn.

As a result of technology convergence, the line between goods and services has become blurred. Apple, as one of the world’s foremost technology providers, is on the cutting edge of this trend. Customers for mobile technology such as Apple’s IPHONE devices have come to understand and expect that when purchasing such a device, they are not only receiving the mobile device itself, but also a whole suite of services that are provided through the device, including, by way of example, services such as GPS data with real-time traffic information, cloud-based storage services, online retail store services and information services on mobile apps and entertainment content. Attached as **Exhibit A** are representative articles from national publications such as *Time*, *The New York Times*, *The Chicago Tribune*, *Los Angeles Times*, and *Baltimore Sun*, which describe today’s commercial context of digital electronic devices rendering services by way of their installed software. As a result of this commercial context, customers clearly recognize IPHONE as not only a trademark for the device itself, but also the suite of software offered on the device, and as a service mark for the suite of services offered via the device.

Apple’s previously filed Class 41 specimen depicts Applicant’s IPHONE mark prominently at the top of Apple’s website. As it is featured, the mark acts akin to a house mark for a suite of goods and services, including the relevant Class 41 services “Entertainment services, namely, providing online computer databases featuring information in the fields of music, video, film, books, television entertainment, games and sports”. (Response to Office Action [“ROA”] at 1.)



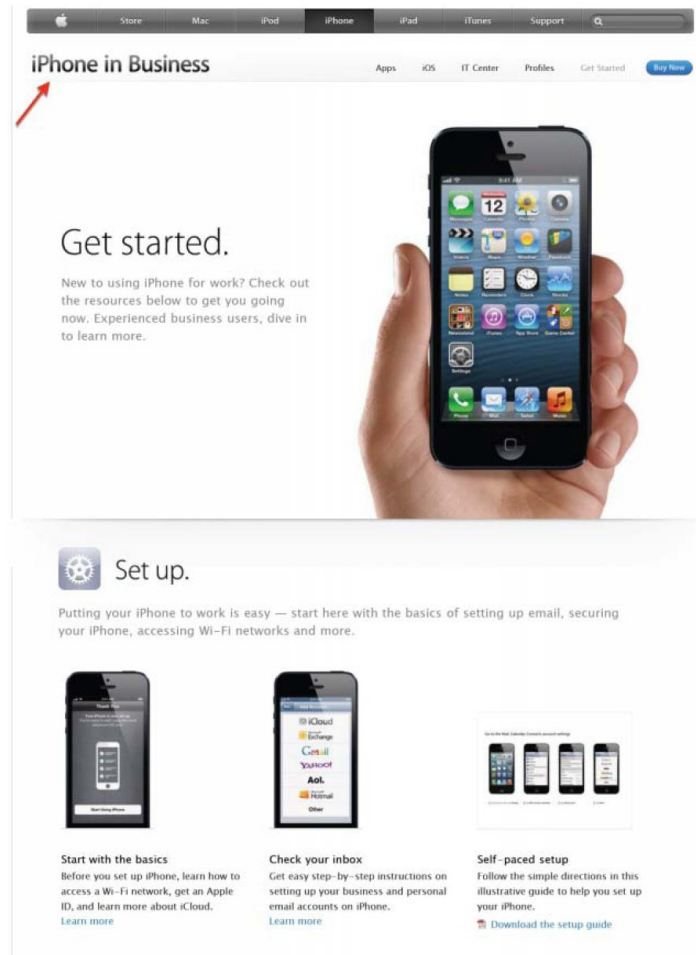
In the Class 41 specimen, reproduced below, IPHONE is prominently featured at the top of the webpage, with the mark used in association with built-in apps. Indeed, the first webpage of the several-page specimen advertises the App Store, a built-in app included in iPhone software. As described more fully throughout the Class 41 specimen, Apple's App Store app provides online databases featuring a wide range of digital content. Because this service is clearly offered under the IPHONE house mark in the specimen, consumers will perceive the direct association between IPHONE and the applied-for services.



In maintaining the refusal of Apple's Class 41 specimen, the Examining Attorney argues that the "pre-bundled applications referenced in the specimens of use...are identified therein through their own source identifiers. For example, page 5 [of Apple's Class 41 specimen] advertises "iBooks," an application which can 'turn your iPhone into a pocket-size library.'" (FOA at 4.) She continues that "[t]his information explains to consumers that IPHONE is the electronic device and that one of the mobile applications, which they can use or access through the IPHONE device is 'iBooks.'" *Id.* However, the fact that the services are offered under their own source identifiers does not preclude that they are also offered under the IPHONE mark (just

as the fact that OREO cookies are offered under the OREO trademark does not preclude registration of the NABISCO house mark for such cookies).

Similarly, with respect to Class 42, the Examining Attorney has taken the position that Apple's previously filed Class 42 specimen identifies Apple's electronic device and not the applied-for services. (FOA at 4.) To justify the basis for refusing the specimen on these grounds, the Examining Attorney relies on several photographs of the iPhone device throughout the specimen. *Id.* However, on the contrary, and for the reasons set forth more fully below, photographs of the iPhone device depicting the device's built-in iPhone software serve to reinforce the direct association between the IPHONE mark and the applied-for services. As shown in the below excerpt from the Class 42 specimen, the IPHONE mark is prominently shown at the top of the page:



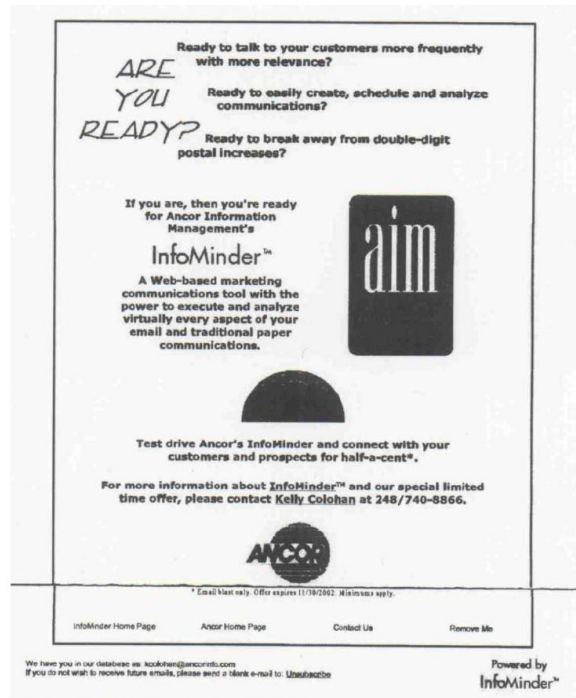
Representative excerpts from the text of the Class 42 specimen include the following:

- "New to using iPhone for work? Check out the resources below to get you going now."

- **“Get up and running.** Learn about the features of iPhone and iOS to assist you with getting employees set up on corporate services whether they have a corporate-owned device or bring their own to work. Visit the IT Center”
- **“Deploy fast.** Learn the options for integrating, setting up, and managing iPhone across your corporate network. Learn more”
- **“Tips.** Start using iPhone for work by getting quick tips on a variety of apps to get you through your business day. View these how-to videos and get inspired to boost your productivity. Subscribe to the iPhone Quick Tips podcast series in iTunes to get the latest tips. **View all iPhone tips”**
- **“Apps for every task—**Explore how to get work done, go paperless, and be more productive with amazing apps for business. **Discover business apps”**
- **“Plan your app strategy.** Leverage the app ecosystem – Expand your company’s app strategy with off-the-shelf App Store apps and custom-built apps for unique tasks. **Learn more”**

The above language, on a webpage featuring IPHONE prominently at the head of the page, with iPhone software front and center in the adjacent graphic, creates in the minds of the public a direct association between Apple’s IPHONE mark and, at a minimum, the provision of “information relating to computer technology provided on-line from a global computer network or the Internet,” recited in the services description. For example, under the “Tips” section of the advertisement, it refers to the offering of “how-to videos” by inviting consumers to subscribe to the iPhone Quick Tips podcast series in iTunes (part of built-in iPhone software) to get the latest tips. The text reinforces service mark usage by saying “View all iPhone tips.”

The T.T.A.B. has previously held that analogous trademark usages for goods can in fact also constitute service mark usage for services that are offered through the goods. For example, in *In re Ancor Holdings, LLC*, 79 U.S.P.Q.2d 1218, 1221 (T.T.A.B. 2006), the T.T.A.B. held that “in today’s commercial context if a customer goes to a company’s website and accesses the company’s software to conduct some type of business, the company may be rendering a service, even though the service utilizes software.” In this case, the T.T.A.B. reversed a refusal to register INFOMINDER for reminder and personal scheduling services on the basis of a specimen that described INFOMINDER as a “web-based marketing communication tool.” *Id.* Applicant submitted the following specimen, reproduced below:



*Id.* at 1219. The applicant also submitted additional materials which described INFOMINDER as “a powerful *suite* of integrated information and content management *products*.” *Id.* at 1220 (emphasis added). The examining attorney’s position was that the specimen showed use of the mark for goods, not services, by pointing to use of the INFOMINDER mark in connection with the words “tool,” “product,” and “suite” in applicant’s brochure and website. *Id.* In response, Applicant explained that its services entailed receiving clients’ data, building a database, offering web-based access to these databases, providing various communication functions, such as email reminders of important dates and events, and scheduling, all provided online through web-based software. *Id.*

The test for whether or not a term functions as a service mark necessarily depends on how that term is used and how it is perceived by potential recipients of the services. *Id.* (citing to *In re Walker Research, Inc.*, 228 U.S.P.Q. 691, 692 (T.T.A.B. 1986)). The Board can consider any other evidence of record bearing on the question of what impact applicant’s use is likely to have on purchasers and potential purchasers. *Id.* Applying this test, though recognizing the blurring that has occurred between services and products with the growth of web-based products and services, the Board found that applicant’s specimen created in the minds of purchasers an association between INFOMINDER and applicant’s reminder services. *Id.* at 1221 (interpreting “tool” in the context of ad as something necessary to complete a task and referencing applicant’s advertising language regarding “initiating and scheduling email communications/reminders” and similar references to find service mark usage).

Similarly, in *In re Weblink Wireless, Inc.*, 2003 WL 22055677, at \*3, Serial No. 75/366,565 (T.T.A.B. 2003) (non-precedential), Applicant Weblink Wireless, Inc. submitted the following one-page printed advertisement to demonstrate use of PACKFAST! with paging and voice messaging services in Class 38:





## PackFAST!™

PackFAST! is one more way WebLink Wireless puts control into the hands of its customers. The administrator will no longer need to call an office to request messaging device delivery and activation for end users. Ordering devices has never been easier.

PackFAST! allows WebLink Wireless' customers to order wireless devices directly from our inventory distribution center, directly from a PC. Each order is processed and can be shipped via next day airfreight (such as FedEx) either directly to employees or the Communications Administrator, fully activated and ready to use. With each order the account is automatically billed.

PackFAST! is a free computer program that permits a centralized administrator to dial directly into WebLink Wireless' provisioning system. As a part of the ordering process PackFAST! gives the customer the ability to select the messaging device and assign a local or toll-free number as well as select the desired coverage for each device.





### Features and Benefits

**Quick Response Time:** Rapidly activate and ship messaging devices to multiple locations (scaleable to larger quantities).

**Shipment Flexibility:** WebLink Wireless will package and send devices directly to your employees or the communications administrator at your company. Your company also has the options of selecting a shipment method and prioritizing on a per order basis.

**Reporting Capabilities:** Generate status reports and weekly summaries of all device activity on a daily or monthly basis.

**Dial-up Access for More Order Entry Flexibility:** Input orders 24 hours a day. Integrate PackFAST! with your existing billing and inventory management systems. Use your own order entry application to create order records. With the proper data capture, batch import interfaces are available.

**Menu-driven Commands:** Utilize intuitive, easy-to-use interface.

### Contact Information

For more information call WebLink Wireless at **1-888-988-0067** or visit our website at: [www.weblinkwireless.com](http://www.weblinkwireless.com)

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07/00 60329

Although the Board found that the PACKFAST! mark was indisputably linked to applicant's ordering software, the Board held that the specimen nonetheless also showed the mark used in association with telecommunications and paging services rendered by means of the devices that the software is meant to order. *Id.* ("In the first paragraph of the text...applicant states that its customers no longer need to call an office to request delivery of messaging devices 'and activation for end users.'") The Board stated the following, which is instructive on Apple's IPHONE specimens:

If the only thing applicant did was provide messaging devices, the mark would not be a service mark, but this language [“and activation for end users”] makes clear that applicant not only provides the devices, it also activates them so that they can be used to receive messages. Once a pager is ‘activated,’ the service is being provided. *Id.*

Although the specimen described PACKFAST! as a “computer program” and even displayed screen shots of the software off to the side, *see Exhibit B*, the Board nonetheless found the necessary association between PACKFAST! and the applied-for paging and voice messaging services inferred from the text of the advertising. *Id.* (“The point [that the applied-for services are rendered under the mark] is verified in the second paragraph, which states that after order processing and shipment, the devices arrive ‘fully activated and ready to use.’ The third paragraph notes that the customer is given the ability to select...a local or toll-free number as well as the desired coverage for each device.”)

In today’s commercial context, and similar to the INFOMINDER and PACKFAST! specimens, use of IPHONE in Apple’s Specimens would be perceived as a mark distinguishing Apple’s services of a) providing online databases of digital content, and b) providing information relating to computer technology. In the Specimens, the IPHONE mark is prominently featured at the top of each webpage, with the mark used to advertise all of the applied-for services referenced throughout each webpage.

In the Class 41 specimen, when a consumer glances the webpage from top to bottom, she readily perceives that the entire page is advertising for the provision of databases featuring a wide variety of digital content. As with INFOMINDER and PACKFAST!, a consumer can infer from the context of the specimen that online databases featuring extensive digital content are being advertised under the IPHONE mark. Specifically, starting at the bottom of the first page, under the subheading “Apple Apps on the App Store” and continuing further down the webpage, under “More Apps on the App Store,” the specimen promotes the offering of databases of a wide variety of digital content (e.g., books, music, films, television entertainment, games, and more). Because the IPHONE house mark is displayed prominently on the specimen, consumers will perceive the direct association between IPHONE and the provision of databases of digital content advertised on the page. Moreover, the devices at the top of the specimen depict the actual provision of databases of digital content on the home screen of the devices, reinforcing the necessary association between IPHONE and the applied-for services.

Similarly with the Class 42 specimen, as with INFOMINDER and PACKFAST!, the text of the specimen would lead a consumer to conclude that IPHONE is being used in connection with the provision of “information relating to computer technology provided on-line from a global computer network or the Internet.” For example, under the “Tips” section of the advertisement, it refers to the offering of “how-to videos” by inviting consumers to subscribe to the iPhone Quick Tips podcast series in iTunes (part of built-in iPhone software) to get the latest tips. The text reinforces service mark usage by referencing “View all iPhone tips”.

Furthermore, none of the authorities cited by the Examining Attorney in the Final Refusal are relevant to the current situation where services are rendered through the applicant’s computer software or hardware in a manner that consumers will recognize use of the relevant mark as being directly associated with the services. Most of the references have no relevance whatsoever

to the case of services rendered via branded software or hardware. The only possible exception is *In re DSM Pharmaceuticals, Inc.*, 87 U.S.P.Q.2d 1623, 1626 (T.T.A.B. 2008), however, in that case, every description and explanation of LIQUIDADVANTAGE on the specimen refers to the capabilities and the purported advantages of the LiquidAdvantage software alone and does not make an association with the applied-for custom manufacturing of pharmaceuticals. The present case is clearly distinguishable since Apple's Specimens prominently feature the IPHONE mark and explicitly reference the applied for services. By contrast, in *In re DSM*, the specimen at issue contained no explicit textual references to the services whatsoever. As such the *In re DSM* decision does not bar acceptance of Apple's Specimens.

Finally, we note that the prior practice of the USPTO reflects that it has routinely accepted analogous specimens of use submitted by other technology device manufacturers. As shown in Exhibit C, the PTO has accepted specimens showing use of device names as valid service mark use for services rendered through the devices, under the following marks: KINDLE, GARMIN, NOKIA, WINDOWS PHONE, ON STAR, Wii, NINTENDO GAMECUBE, BLACKBERRY, and NIKEFUEL.

Apple has made analogous use of its IPHONE mark in its Specimens and therefore the USPTO should, consistent with its prior practice, withdraw the present objection and approve Apple's specimens.

## **II. SUBSTITUTE SPECIMENS**

As an alternative, and without prejudice to Apple's foregoing submissions concerning the validity of its previously filed specimens, Apple submits for the PTO's consideration substitute specimens which were in use prior to the expiration of the deadline for filing Apple's Statement of Use. A verified statement to that effect is being submitted concurrently with this Reconsideration Request.

### *Class 41*

For the Examining Attorney's ease of reference, the instant application covers the following services in Class 41:

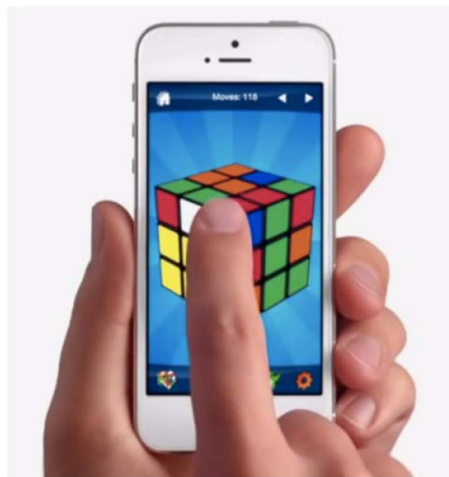
*Entertainment services, namely, providing online computer databases featuring information in the fields of music, video, film, books, television entertainment, games and sports; and providing consultation services relating to all the aforesaid.*

Apple's two television commercials, submitted with this Reconsideration Request as substitute specimens, adequately depict Apple's IPHONE mark in use with above services.

Representative screen shots from the commercials, paired with the recited services, are depicted below for ease of reference.

*Providing online computer databases featuring information in the field of games*





Providing online computer databases featuring information in the field of films



Providing online computer databases featuring information in the field of books



*Providing online computer databases featuring information in the field of music*



Through successive frames, the television commercials show the provision of various services, and at the end of the commercials, the IPHONE mark, depicted below, is featured prominently.



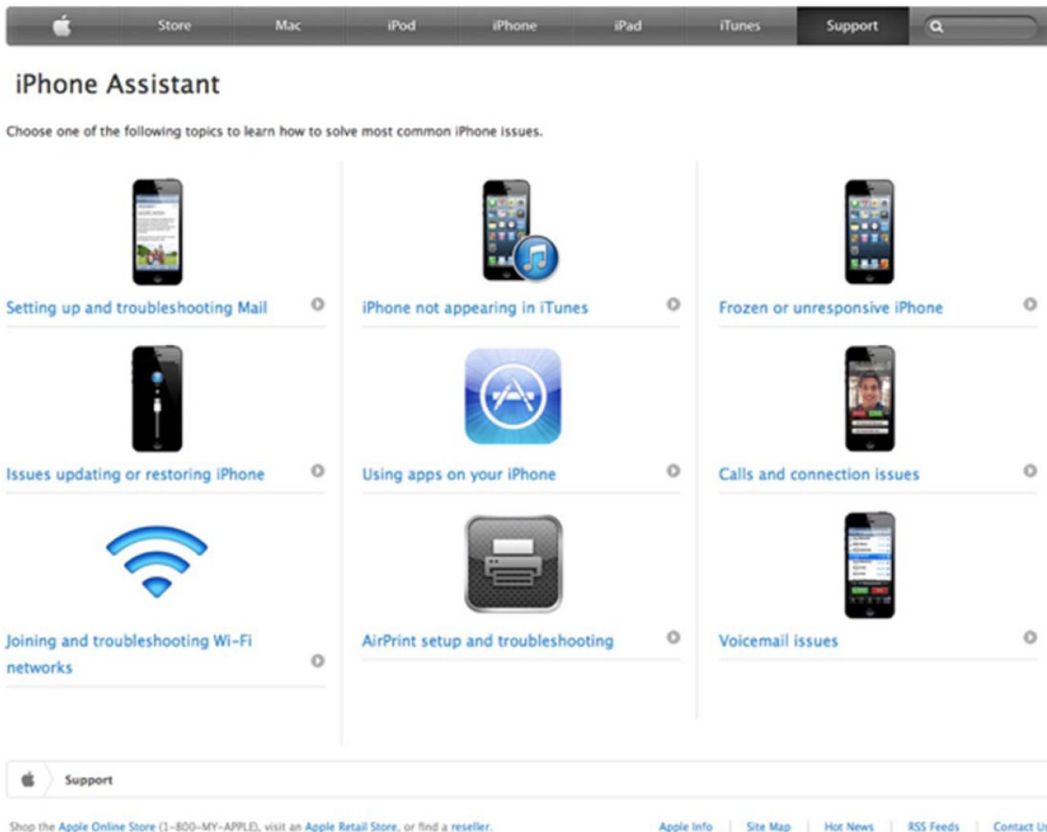
Upon watching these commercials, consumers will associate the IPHONE mark with the services advertised throughout the commercials. The services include the provision of various digital media content (e.g., books, films, games and music) and information pertaining thereto, which consumers will conclude come from online computer databases.

#### *Class 42*

Apple also submits for the PTO's consideration substitute specimens in Class 42. For the Examining Attorney's ease of reference, the instant application covers the following services in Class 42:

*Computer hardware and software consulting services; multimedia and audio-visual software consulting services; providing technical troubleshooting support for computer systems, databases and applications; providing consultation services for developing computer systems, databases and applications; information relating to computer technology provided on-line from a global computer network or the Internet; providing search engines for obtaining data via communications networks; providing search engines for obtaining data on a global computer network; computer services, namely, creating indexes of information, and other resources available on global computer networks for others; customized searching at the specific request of end users, allowing the end user to browse and retrieve information, sites, and other resources available on global computer networks; and consultation services relating to all the aforesaid.*

The first substitute specimen, reproduced immediately below, is a screen shot from Apple's website that was in use before the deadline for filing the Statement of Use. The webpage shows prominent use of IPHONE in connection with the applied-for services, namely, the provision of "information relating to computer technology provided on-line from a global computer network or the Internet" and "providing technical troubleshooting support for computer systems, databases and applications."



The second substitute specimen, reproduced excerpt immediately below, shows prominent use of IPHONE in connection with “information relating to computer technology provided on-line from a global computer network or the Internet” and “providing technical troubleshooting support for computer systems, databases and applications” as well.

[Store](#)
[Mac](#)
[iPod](#)
[iPhone](#)
[iPad](#)
[iTunes](#)
[Support](#)

## iPhone Support

[Welcome](#)
[iPhone Essentials](#)
[Phone, Messages & FaceTime](#)
[Syncing](#)
[Features, Apps & Settings](#)
[Mail, Contacts & Calendars](#)
[Wi-Fi, AirPlay & AirPrint](#)
[Accessories & Bluetooth](#)
[Enterprise](#)
[Contact Support](#)

### Enterprise

**iPhone in Business - IT Center**  
Learn more about security, deployment, and apps, plus browse IT resources to deploy iPad in virtually every business environment.

**iPhone Support Communities - Enterprise**  
Discuss this topic with fellow iPhone users.

**AppleCare Enterprise Support Products**  
Learn about the AppleCare OS Support plan, IT department-level support for iPhone and other iOS devices.

### Apple Configurator

**Apple Configurator Help**  
Apple Configurator makes it easy for anyone to deploy iPhone, iPad and iPod touch in their school or business. Apple Configurator can be used to quickly configure large numbers of iOS devices with the settings, apps and data you specify for your students, employees or customers.

- Apple Configurator: Backing up and restoring data
- You can use Time Machine or any other backup strategy to back up and restore Apple Configurator data including device configurations, users, apps, documents, iOS versions, and VPP redemption codes.
-

- Using Volume Purchase Program (VPP) Redemption Codes
- Learn how to use Apple Configurator to deploy copies of paid apps using redemption codes purchased from the Volume Purchase Program (VPP).
-

- Using Apple Configurator to enroll devices in Profile Manager
- Learn how to import Enrollment Profiles created in Profile Manager into Apple Configurator, then install the profiles onto devices.
-

- Preserving user-installed apps when updating settings on an assigned device
- Learn how to preserve apps installed by a user who has checked out a device that is supervised by Apple Configurator.
-

- Coordinating device names with labels or slot numbers in carts and racks
- You can use Apple Configurator to assign device names that correspond to a label on the device, or to the slot numbers in a charging cart or rack.
-

### Exchange ActiveSync

**Exchange ActiveSync and iOS Devices**  
Easily integrate iOS devices with your enterprise systems, including Microsoft Exchange 2003, 2007, and 2010.

- Setting up Exchange ActiveSync
- This article explains how to setup an Exchange ActiveSync account on your iPhone, iPad or iPod touch. Contact your Exchange Server administrator if you are unsure of any of the required information.
-

- Setting up a corporate email server
- This article explains the key steps for setting up a corporate mail server which can be accessed by an iOS device. These key steps will need to be completed by the IT support team or network ...
-

Using S/MIME to send encrypted messages  
iOS offers support for S/MIME, allowing you to send encrypted email messages. Sending encrypted

As the above screen shots reflect, IPHONE is featured prominently at the top of each page (“iPhone Assistant” and “iPhone Support”). The substitute specimens also show use of IPHONE in a manner that would be perceived by potential purchasers as identifying and distinguishing the recited services and indicating their source. Moreover, these substitute specimens also show an association between IPHONE and the services for which registration is sought.

First, with respect to the “iPhone Assistant” specimen, IPHONE is reflected prominently at the top of the webpage, followed by several topics for consumers, including “Setting up and troubleshooting Mail,” “Calls and connection issues,” “Joining and troubleshooting Wi-Fi networks,” “AirPrint setup and troubleshooting,” and “Voicemail issues.” Accordingly, the “iPhone Assistant” specimen shows use of IPHONE with “information relating to computer technology provided on-line from a global computer network or the Internet” and “providing technical troubleshooting support for computer systems, databases and applications.”

With respect to the “iPhone Support” specimen, IPHONE is also reflected prominently at the top of the webpage, followed by several topics for consumers, including the following:

- “iPhone in Business – IT Center – Learn more about security, deployment, and apps, plus browse IT resources to deploy iPad in virtually every business environment”
- “iPhone Support Communities – Enterprise – Discuss this topic with fellow iPhone users.”
- “Exchange ActiveSync and iOS Devices – Easily integrate iOS devices with your enterprise systems, including Microsoft Exchange 2003, 2007, and 2010.”
- “iPhone Configurator Utility Help – iPhone Configurator Utility lets you easily create, maintain, encrypt, and push configuration profiles, track and install provisioning profiles and authorized applications, and capture device information including console logs.”

These referenced sections to the “iPhone Support” specimen demonstrate use of the IPHONE mark with the offering of “information relating to computer technology provided on-line from a global computer network or the Internet” and/or “technical troubleshooting support for computer systems, databases and applications.”

The substitute specimens provided with this Request for Reconsideration should now place Apple’s Statement of Use in condition for acceptance. Apple respectfully requests that the instant application be passed to registration.

### **Conclusion**

Apple respectfully submits that a) its previously filed Specimens demonstrated valid trademark use of its IPHONE mark for the recited services in Class 41 and 42; and b) without prejudice to its previously filed specimens, its substitute specimens filed in connection with this Reconsideration Request further demonstrate valid use of the IPHONE mark for the recited services. As such, Apple’s Statement of Use is in condition for acceptance and respectfully requests the PTO to pass the instant application to registration.

## **EXHIBIT A**



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# Your Smartphone Will Become the Hub of Your Digital Lifestyle

Over the next two to three years, I believe we will see thousands of sensor-based products tied to apps on our smartphones.

By Tim Bajarin @bajarin | Jan. 14, 2013 | 2 Comments

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In the winter of 2000, Steve Jobs took the stage at the Macworld conference and laid out what we now consider a very forward thinking idea: He said that the Mac would become the center of our digital lifestyle.

We didn't know it at the time, but Jobs and his team at Apple were secretly working on the iPod and a music store that used the Mac to side-load downloaded music to the iPod. When Jobs introduced the iPod the following year, he literally made the Mac a hub connected to a "spoke" — or cable — that was then connected to the iPod.

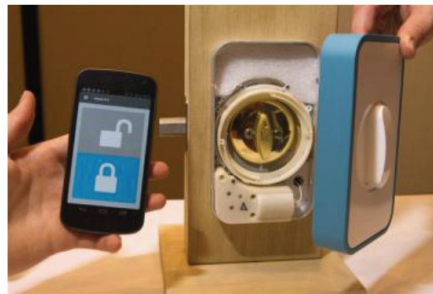
For most of the last decade, the idea of the Mac working as a hub that side-loaded content to products like the iPod, iPhone and the iPad played itself out well, making it very easy for consumers to buy digital content and load it onto these devices. Over the past few years, Apple has refined this vision and starting making iCloud more of the hub to wirelessly organize content from its online stores to be downloaded directly to Apple products.

While making the cloud the hub in this scenario is still the best way to think about this idea, it became pretty clear to me while at CES last week that in many ways, smartphones are really emerging as the hub of our digital lifestyles. Yes, smartphones are still connected to the cloud in terms of accessing data and transmitting information, but it seems to me that the smartphone in many ways is becoming the one device sitting at the center of our lives and working more like a hub in its own way.

(MORE: Check out TIME Tech's complete CES coverage)

A good example of this is the role my smartphone plays in my connected car. My smartphone uses Bluetooth to connect to my car's digital display, which has channels for music, data and voice. When a call comes in to me, the phone serves as the hub that connects to my car's screen and tells me who is calling, and even allows me to use the car's screen to answer the call. My smartphone is also the hub that sends music to the car's audio system. At CES, GM showed its Malibu Eco connected to a smartphone that actually started up the car remotely.

In smart homes, the smartphone in many ways literally becomes the remote control. We can now turn the lights on



Steve Marcus / Reuters

The Lockitron by Apigy Inc. retrofits over a deadbolt door lock and can be locked and unlocked with a smartphone.

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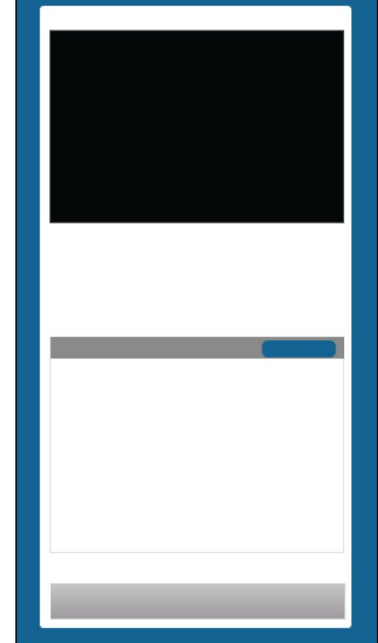
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and off in our homes even if we are thousands of miles from where we live. Thanks to products such as the Nest thermostat, for instance, we can use our smartphones, tablets or PCs to remotely adjust our thermostats to higher temperatures so our houses are warmer when we get home. If a burglar trips a motion sensor, a person could be instantly alerted of the break-in and immediately call the police. Comcast even has a system that puts cameras in your home and ties them into its network, which lets you see what's going on in your house from your smartphone while sitting in a restaurant, your office or anywhere your mobile device has a connection.

Interestingly, CES could have been called the "sensor" show because of the hundreds of devices shown containing embedded sensors that tied them to the Internet via smartphone apps, which were used to remotely control these sensor-based devices. This was especially evident in the special health exhibit on the CES show floor, where 74 companies had various sensor-based health monitoring products that were tied to smartphones.

As a diabetic, one health product that really interested me was iHealth's [wireless blood glucose meter](#). It lets diabetics test their blood sugar and then sends that data to a smartphone app so that they can monitor their daily progress. This product is before the FDA for approval and could be on the market soon.

A small start up named AliveCor [has created an iPhone case](#) that, when grasped, records an electrocardiogram and sends it to the iPhone screen via its app. And the folks from Nike, Jawbone, Omron and FitBit, to name just a few, were in this smart health area showing off their various health monitoring devices that all have sensors for recording things like steps, sleep patterns, calories burned and more.

When Jobs introduced the Mac as the hub of a digital lifestyle, I doubt that at the time he envisioned the cloud becoming the big hub in the sky or the role a smartphone could play in becoming a hub in our pocket. However, it is clear that Apple has played a major role in defining the concept of a digital hub, which has allowed other major players to learn from the company's original vision and expand on it exponentially.

Over the next two to three years, I believe we will see thousands of sensor-based products tied to apps on our smartphones, making it even clearer that the real hub of our digital lifestyles may actually be our smartphones. It is the one device we have with us at all times; given its increasing power and capabilities, it could emerge as the command center of our digital activities, becoming even more indispensable than it is today.

*Bajarin is the president of Creative Strategies Inc., a technology industry analysis and market-intelligence firm in Silicon Valley. He contributes to Big Picture, an opinion column that appears every Monday on TIME Tech.*

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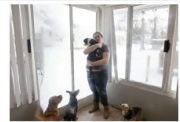
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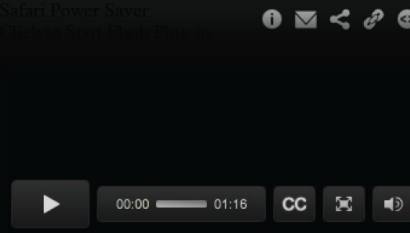
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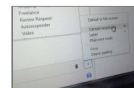
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Section: B

The Next Step in Money. Maybe.

MIKE ISAAC

David Donohue has a tough relationship with his wallet and the items inside it.

He has lost his wallet twice in the past year. He has fallen victim to credit card theft three times. On one occasion, a thief plucked a credit card replacement sent to his home directly from his mailbox.

Mr. Donohue said that is why he was excited to use Apple Pay, the tech giant's new e-commerce product released on Monday. By pushing a button on his iPhone, he can make a purchase at one of the thousands of retail locations, including Macy's or Walgreens stores, using the new service. No wallet, cash or plastic card necessary.

"I'd be beyond thrilled to be walletless, simply because I don't enjoy carrying one," Mr. Donohue, 42, who works at a social media marketing start-up in San Francisco, said in an interview. "My dream scenario is to carry only my phone and cash."

Large tech and telecom companies like Google, Verizon and AT&T have tried for years to replace the traditional wallet with smartphone apps, having a click here or swipe there replace a credit card or dollar bills at the register. But commerce experts say they believe that the involvement of Apple, which helped revolutionize the mobile industry, could be the impetus that moves mainstream consumers to digital payments -- the latest in an evolution of the way people buy goods and services.

Generation after generation of Americans used cash as their primary payment. They then turned to bank checks, later to credit and debit cards. Within a few decades of their introduction, credit cards became ubiquitous: By 2012, nearly three quarters of a billion credit cards were being used in the United States, according to the Federal Reserve.

Think of Apple Pay as taking the card out of credit card. After entering their credit card information into the latest iPhones, customers can wave their phone in front of a properly equipped payment terminal at retailers like Whole Foods and McDonald's. Customers verify the transaction with the iPhone's fingerprint scanning hardware.

Today, relatively few people buy things with a wave of a smartphone. In the United States last year, consumers spent \$1.6 billion using contactless mobile payments of the sort allowed by Apple Pay, according to estimates from eMarketer, a market research firm. That is just a tiny fraction of \$264.3 billion in e-commerce purchases made last year, and an even smaller portion of \$4.26 trillion in traditional in-store retail purchases.

"Right now, mobile wallets are sort of like e-commerce in 1995," said John Collison, co-founder of Stripe, a payments processing firm. "Amazon was one of the big companies that made people feel O.K. to put their credit cards online." Apple, he said, will do the same for the mobile wallet.

But others point to previous mobile wallet efforts from Google, Verizon and Square, among others, all of which failed to gain wide adoption. And Apple's largest difficulty could be to persuade thousands of retailers to accept Apple Pay at the checkout line.

"Apart from the cool factor, there's really not a lot of value for the average merchant at the moment," said Denise Carrington, an e-commerce analyst for Forrester Research. "Especially when you think about how merchants want to capture more information from consumers with each transaction." She pointed out that Apple Pay did not connect to loyalty and awards programs that merchants often find valuable.

Industry experts, however, say that Apple's offering has advantages that its predecessors did not.

Accepting Apple Pay and some other mobile payment technologies usually relies on technology inside the payment terminals at registers, like at the stations where a consumer swipes a credit card. By next fall, though, American merchants face a deadline to upgrade their credit card terminals to accept E.M.V. -- which stands for Europay, MasterCard and Visa -- a technology that makes credit transactions more secure for consumers. Many believe those new terminals will also accept payments from Near Field Communication-enabled devices like the iPhone 6.

"Apple's timing here is an astute stroke of brilliance," said Norm Merritt, president of ShopKeep, a start-up that sells point-of-sale products for small businesses. "People will already have to invest in new E.M.V.-enabled machines. N.F.C. is just a few bucks more."

Apple is also promoting Apple Pay's security measures, calling it far safer than the credit cards consumers use on a daily basis.

"We're totally reliant on the exposed numbers and the outdated and vulnerable mag stripe," Timothy D. Cook, Apple's chief executive, said in Cupertino, Calif., last month. "Which all of us know aren't so secure."

Apple is working with major credit card companies like Visa, American Express and MasterCard to integrate a so-called tokenization system into Apple Pay. The technology sends a secure code to merchants instead of a credit card number, which experts say will make credit card data theft less likely. Every transaction will also come with a unique encoded passcode that will help determine whether a transaction is legitimate.

"Their brand, their technology and their choices in security made it compelling to us," said James Anderson, senior vice president of emerging payments at MasterCard, who also pointed to Apple's fingerprint identification system in the iPhone 6 as an impressive additional way to fight credit card fraud.

Still, consumers can use Apple Pay at a physical retailer only if they have the iPhone 6 or 6 Plus. More than half of American smartphone owners use an Android device, which does not work with Apple Pay.

Also, cash is still hugely popular. It may not be easy for Apple to persuade millions of people to switch from a familiar payment system to a novel one.

Apple Pay will most likely need to overcome a sort of chicken-and-egg dilemma: Popularity may come, but only if a lot of people really want to use it.

"There's a type of network effect that occurs in markets like this," said Jerry W. Kim, a professor at Columbia Business School. "The more people that use it, the more valuable it becomes."

For people like Trevor Mason, a 33-year-old finance buff from Ann Arbor, Mich., Apple Pay can't go mainstream fast enough. "I never carry cash in my wallet," he said. Knowing "that I could just pay with my phone -- that would be great."

PHOTOS: The Apple Pay service, which was introduced on Monday, can be used only through the most recently released iPhone 6 and 6 Plus. (PHOTOGRAPH BY ERIC RISBERG/ASSOCIATED PRESS) (B1); Hugo Roque of Glendale, Calif., uses Apple Pay on his phone at a Disney Store, which accepts the technology nationwide. (PHOTOGRAPH BY JORDAN

STRAUSS/INVISION FOR DISNEY STORE, VIA ASSOCIATED PRESS) (B2)

---- Index References ----

Company: AT&T INC; AMAZON COM INC; APPLE INC; EMARKETER INC; GOOGLE INC; MACYS INC; MASTERCARD INC; MCDONALDS CORP; VERIZON COMMUNICATIONS INC; VISA INC; WHOLE FOODS MARKET INC

Industry: (Banking (1BA20); Consumer Electronics (1CO61); Consumer Products & Services (1CO62); Credit, Debit & Value Cards (1CR28); Debit Cards (1DE11); E-Commerce (1EC30); Electronics (1EL16); Financial Services (1FI37); Internet (1IN27); Mobile Commerce (1MO62); Mobile Phones & Pagers (1WI07); Retail Banking Services (1RE38); Telecom Consumer Equipment (1TE03))

Region: (Americas (1AM92); California (1CA98); Michigan (1MI45); North America (1NO39); U.S. Midwest Region (1MI19); U.S. West Region (1WE46); USA (1US73))

Language: EN

Other Indexing: (Hugo Roque; Trevor Mason; Timothy D. Cook; Tim Cook; Jerry Kim; ERIC RISBERG; David Donohue; JORDAN STRAUSS; Carrington; John Collison; Pay; James L. Anderson; James Anderson; Norm Merritt)

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November 5, 2009

Section: B

What Your Phone Might Do for You Two Years From Now

BOB TEDESCHI

By now we can probably all agree that the iPhone is the Model T, the Sputnik, the Lawrence Taylor of the mobile technology realm. We are still waiting for the offenses to adapt, the competition to catch up.

Some of us are losing patience.

I have spent the last few weeks speaking with mobile technology researchers about hardware and software innovations that could, within two years, create a phone good enough to make the 2009 iPhone seem like a quaint relic.

The important takeaway is that the mobile devices of late 2011 might physically resemble the smartphones of today, but they will be much more computer than phone. Call it a PC, but this time it will be "personal" for real, because it will virtually never leave your person.

Today's smartphones can do almost anything a PC could do in 2007, but in a couple of years smartphones may have enough computing power to enable much more sophisticated applications that truly take advantage of the device's portability.

Just imagine a device with an 8-inch fold-out screen, a big virtual keyboard for easy text input, numerous sensors to detect your surroundings, and software smart enough to anticipate your needs and sharp enough to respond to conversational commands.

Open up the device, point it at the street and ask it to show you what the place looked like 200 years ago, and it offers a photo or video. Ask it where to eat lunch and it highlights a restaurant that suits your tastes. If you are heatedly debating food choices with a companion when someone of marginal importance tries to call you, the phone will know better than to interrupt.

This blue-sky, composite prediction comes with a stiff warning: forecasts with a two-year horizon are especially chancy, technologists said, since those making the predictions are often overly optimistic about emerging designs and, at the same time, blind to some of the reasons the current generation of technologies looks as it does.

But why spoil things? Here is what you may see in your next device upgrade, two years down the line.

Research and development teams at technology incubators like SRI International, PARC and MIT's Media Lab, as well as designers and technologists at companies like Nokia, Intel and others said smartphones of the future would not look much different from those today.

But James Begole, a principal scientist at PARC, the research lab based in Palo Alto, Calif., that was formerly known as



Xerox PARC, said screens, at least, would be fundamentally different. "The one hardware development I'm feeling most certain about," he said, "is foldable displays."

Dr. Begole, who is known as Bo, said the current availability of the RADIUS (RADIUS.com), an e-book reader with an expandable display, suggested that smartphone makers could incorporate something similar in their devices within two years.

Researchers are also experimenting with virtual keyboards, he said, to overcome the size constraints of phone-based keyboards. With these, users move their fingers over an imaginary keypad, and sensors infer the keystrokes. (See senseboard.com for an example.)

But if displays are bigger, touch-screen typing may work just fine, said Norman Winarsky, a vice president at SRI International, another technology incubator based in Palo Alto. Dr. Winarsky said SRI had created "an electroactive polymer that vibrates beneath the glass, and gives your fingers the sense of touching individual keys."

That technology, he said, is within 24 months of reaching the market.

Henry Tirri, the Nokia senior vice president in charge of the company's global research centers, said cellphones of the not-so-distant future would contain supersensors, like higher-quality camera lenses that will see faraway detail much more clearly than the naked eye.

(This is different from the multitude of external sensors, like heart-rate monitors, thermostat readers and others that now -- or will quite soon -- connect to your smartphone.)

So if you are on the street and looking toward the top of the Empire State Building with your smartphone, Dr. Tirri said, it will infer the visual elements you are interested in, and fetch close-up images from the Web.

This sort of "augmented reality" approach, as it's known in the tech industry, could also allow users to see their surroundings as they may have appeared in another era.

Somewhat along these lines, PARC and SRI International have also spawned software that, using GPS sensors and data about the user's past behavior or current calendar, can suggest nearby restaurants, among other things.

PARC's software, called Magitti, is in its testing phase in Japan, and could reach the American market in the spring of next year.

SRI International's software venture, called Siri, is more ambitious, in that it allows users to speak or write natural-language requests into the device ("Find me a place to eat dinner tonight with Karen, reserve a table and put it on our calendars."), which will complete the task independently and inform you when it is done.

In terms of long-term predictions, Siri is actually an easy bet. Dag Kittlaus, the company's chief executive, said one of the four major carriers would introduce the service early next year, and he said it would also be available as an iPhone app. But over the next two years the technology should be able to complete a wider range of tasks.

And now a word from the reality-check department.

With today's batteries and processing chips, running multiple apps like these would make the device so hot you could toast marshmallows near it, and would run down the battery at record speed. This is a big reason Andrew Lippman, associate director of MIT's Media Lab, said he believed that smartphones in the near future "won't be much smarter than they are today."

But Justin Rattner, Intel's chief technology officer, says there is reason for hope. Early next year, the company will begin shipping its Moorestown chips, which use one-fiftieth of the power of today's smartphones when in standby mode. Other improvements in efficient power allocation, he said, will reach smartphone chips in the next 18 to 24 months.

In another power-saving move, apps could reach across to nearby users for information, rather than push the phone's circuitry to its limits by grabbing GPS coordinates and parsing data from the Web.

Dr. Lippman, of MIT, and Dr. Winarsky, of SRI, said they could envision a not-so-distant generation of smartphones communicating more intensively with others nearby via Bluetooth and Wi-Fi.

Smartphone apps could, for instance, recognize when a doctor is in the building, and alert him if another person nearby had dialed 911. Or, your phone might capture images from a video camera around the corner from a subway station.

This idea, labeled "the third cloud" by David P. Reed of MIT, underscores the most profound change for smartphones currently coming to the market -- namely, that they need not communicate with the carrier at all.

"Carriers used to control everything, and now the tables have utterly turned," Dr. Lippman said. "That's what'll make the future so interesting."

PHOTO: Siri from SRI International allows users to speak or write natural-language requests into it.

---- Index References ----

Company: PARC SA; SRI INTL

Industry: (Consumer Electronics (1CO61); Consumer Products & Services (1CO62); Electronic Components (1EL91); Electronics (1EL16); I.T. (1IT96); Mobile Phones & Pagers (1WI07); Networking (1NE45); Next Generation Wireless Technology (1NE48); Palmtop Computing (1PA77); Semiconductor (1SE88); Semiconductor Products (1SE02); Telecom Consumer Equipment (1TE03); Wireless Networking (1WI62); Wireless Semiconductors & Components (1WI91))

Region: (Americas (1AM92); California (1CA98); North America (1NO39); U.S. West Region (1WE46); USA (1US73))

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**NewsRoom**



## Wireless technology takes the hassle out of home automation



By **Buzz McClain**,  
For The Baltimore Sun

OCTOBER 21, 2014, 2:20 PM

Photo illustration courtesy of iStock

**“Y**ou’re going to totally love this,” the electrician said as he pulled speaker wires through my wall. “Totally plug-and-play. Once I set it up, you never have to reboot or refresh the device, and you control it with your iPhone.”

The device was the music system called Sonos, and while the electrician was sincere, I remained skeptical. Has there ever been an Internet- or remote-controlled appliance that was maintenance-free? I’ve had satellite and cable television before, you know. (Never, ever hide a DVR behind a wall.)

When he was finished turning the last screw on the in-ceiling speaker, the electrician took my phone, downloaded an app, programmed in an Internet radio station I’d never heard of and handed it back. It’s been nearly two-and-a-half years, and never once has the amazing station “Radio Paradise” ever required attention (knock on wood). The device, the app and, happily, the speakers seem to be — dare I say it? — flawless.

This comes as no surprise to Jon Myer. “Sonos has the highest satisfaction rating for multiroom audio; people become evangelists because there’s so much music you can listen to without getting up to change a CD, and you control it with your phone,” says Myer, president of MyerConnex in Gaithersburg (and before that, CEO of MyerEmco Audio Video).

Sonos, he says, is an example of how the marvels of wireless technology are finally catching up with homeowners’ dreams of a wire-free abode. But the systems controlled by apps and monitored services go beyond the humble wish for a TV with a single remote or a lamp that comes on when you clap.

How about your window shades? The technology doesn’t just make them go up and down — that would be too easy. “I can set the shade to come down when the sun goes down and come up when the sun rises in the morning,” Myer says.

“I hit ‘nighttime’ on a keypad next to my bed, and everything is predetermined as to what I want for that nighttime scene,” he says. Shades, lights, locks, “everything, and I don’t have to go downstairs. I don’t even have to make sure the garage door is closed. And I do everything at the touch of a button, literally.”

This comes as great news to the doubters among us who still can’t understand why we need to unplug our cable TV boxes every so often and reboot our routers when we haven’t done anything to change what they do. What’s happened?

"I've been in automation since the beginning," says Myer, "and I can name 10 systems we used to sell that might have been a little early. These new systems are no longer experiments in people's homes."

Myer says "very powerful processors manage everything" these days, making the magic possible. Much of the maintenance on home automation systems is software-driven, helping homeowners replace their systems less often.

"For example, all updates from Sonos are software, are free and the boxes themselves have had a 10-year life span," Myer explains. "That is a pretty typical hardware life cycle with automation products."

The advances have unleashed the creativity of the app- and product-makers. "I've been in this business for 28 years," says Ray Traver, the Baltimore-based mid-Atlantic general manager for security and monitoring firm ADT Corp., "and we are continuing to evolve our products by adding more interactive features with smarter intuitive technology for homeowners." Which sounds like a dare to the skeptic, but Traver assures us apps such as the ADT Pulse Voice have redundancies, some of them remotely monitored, that keep systems operating with little or no maintenance.

Nicole Saunders, a single mom of two in an 11-year-old house in Bowie, was looking for home automation about four years ago "to have true peace of mind, increased convenience, energy savings and the ability to control aspects of my home remotely," she says. "For example, I wanted the ability to turn the lights on and off or arm and disarm the alarm system, especially when people came over and I was not at home to let them in the house."

The monitored Pulse system, she says, "has really been a great addition to our home." She particularly likes the ability to "see my kids come home via video from my smartphone and receive text alerts when certain activity takes place."

Saunders mentioned energy savings, and, in fact, the fabled value of smart-house technology has come to pass, according to Myer. Not only is the gear less expensive, but the savings to the homeowner are immediate and cumulative.

"You can have pure energy management in your home," he says. "If you use a network, you can look at the energy used at any given time of day. Then you can program shade control for your windows that can drop energy costs 50 percent. That's significant." Networked thermostats, he says, "have built-in savings modes, where you tell it how much to save — 10 percent, 15 percent, whatever — and it hits that percentage target."

A Control 4 brand thermostat, he says, not only provides energy reports to your phone, it also ties in with the weather "so it can really modify your habitat and save power."

Myer says many of the devices can be installed by the homeowner — a thermostat is just four wires — but the programming aspects should be done by a professional, "especially if you're integrating multiple platforms."

Coordinating the shades, lights, locks, cameras, thermostats, hot tubs (yes, you can remotely heat up your hot tub), home theaters (screen curtains!), multiroom music systems and everything else connected to your network should be programmed by someone who knows what they're doing, so they can show you how to do it.

And then you can leave it alone.

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## NewsRoom

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2012 WLNR 725809

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January 12, 2012

Section: News

It's time to talk to your fridge  
Connected home technology links appliances, devices, energy and security

Wailin Wong, Tribune reporter

LAS VEGAS

Is your refrigerator running? If you don't know, just ask it.

A vision of the future is taking shape that will allow communication with the ever-increasing number of gadgets in people's homes: A refrigerator suggests recipes based on its contents and keeps track of when the milk is going to expire. A wall-mounted sensor detects when a person leaves the house and turns down the temperature to a preset level. A homeowner who forgets to close the garage door can do so from across town via a **smartphone** application.

All of these capabilities are available now and on display here at the 2012 International Consumer Electronics Show, where companies are trying harder than ever to advance their vision of a truly connected home that encompasses entertainment devices, appliances, energy and security.

"Last year there was a lot of trialing" around the idea of home-control systems, said John Burke, general manager of converged experiences at Libertyville-based Motorola Mobility Holdings Inc., which builds this technology for cable operators and other service providers. "This year, it's more of a mainstay core staple service. There's a lot of runway ahead of it."

Companies at CES say mainstream adoption of connected home technology is gaining momentum, aided by several broader shifts in the consumer technology industry, but still several years away. For starters, an increasing number of devices come with built-in Wi-Fi capability, allowing an easy link with the Internet and with each other.

According to the Wi-Fi Alliance, an industry group, shipments of Wi-Fi devices hit almost 1.1 billion in 2011 and will double by 2015. They include TVs and gaming consoles as well as smart meters and home automation products.

"The home is the first place where you have a truly wirelessly connected environment," said Sachin Lawande, chief technology officer of audio company Harman International.

The increasing primacy of the **smartphone** and **tablet computer** also are driving the connected home movement. Because consumers have these powerful mobile **computers** with them at all times, the gadgets can act as a central and portable control panel for a wide range of machines.

"The **smartphone** has been the linchpin of much of this connectivity," said Tim Baxter, president of Samsung Electronics

America. At CES, Samsung showed off a washing machine that can be controlled and monitored remotely with a **smartphone** application.

A **tablet**, meanwhile, can be mounted on the wall or carried around the home, providing another way for consumers to adjust the **thermostat** or track how much electricity their washing machine is using, all from one device that is familiar and easy to use.

"We believe it's important to get integrated with the screens that are in consumers' homes," said Jason Few, president of Reliant Energy, a Houston-based electricity services provider that has a smart energy monitor and related technology on display here.

"We don't believe a **thermostat** is going to be a screen in a person's home. ... If we make it complicated, people won't use it, and we're in a category where we're trying to get people to use it for the first time."

One smart home technology company, Massachusetts-based Savant, has built its entire product line around Apple products. Homeowners can use an **iPad** to pipe music through the house, dim the lights or raise window shades.

"Apple has taught the masses how to use a touch screen," said Craig Spinner, Savant's director of marketing. "We're trying to ride the coattails of what Apple's done."

Price remains a hurdle, Spinner acknowledged. Installing the company's system in a three-bedroom home can cost between \$10,000 and \$12,000. But Spinner pointed to big service providers such as Comcast Corp. and ADT that are starting to offer smart home automation.

Parks Associates, a consumer technology research firm, estimates that more than 10 million U.S. households will have a remote monitoring and control system by 2014.

Motorola Mobility's Burke, who counts operators such as Comcast and Verizon Wireless as customers, said he believes consumers will embrace new services if they come bundled with existing subscriptions because they can sign up for one package.

"We've seen all the major operators in the Americas putting home security, control and monitoring in their offerings," Burke said.

Among big technology companies at CES, LG showed off a new smart refrigerator that has a small screen on the front and also has a **smartphone** app. Using a phone's camera, one can scan a grocery receipt or product, and the fridge then keeps a record of its contents, including when an item was bought and when it is likely to expire. Members of a household can also input personal health information such as age, blood pressure and allergies, and the refrigerator suggests daily and weekly meal plans customized to each person.

On the more affordable end of the spectrum, Sears Holding Corp.'s Craftsman brand recently launched a two-way garage door opener that connects with a homeowner's **smartphone**. The product starts at \$289.99 and comes with a small unit that plugs into a wireless router with an Ethernet cable. A pass code-protected **smartphone** app calls up information on whether the garage door is open and how long it's been open. Swiping a finger across the screen controls the door.

Kris Malkoski, vice president and general manager of Craftsman, believes the industry is three to five years away from reaching consensus on technology standards that will enable true interoperability between connected home devices. Craftsman's focus will be on products that are accessible, both in terms of usage and price, she said. The company plans to incorporate its AssureLink technology, which powers the new garage door opener, into other gadgets and tools for the home.

"We're seeing momentum and we're leading, but not with some isolated product," Malkoski said.

Google Executive Chairman Eric Schmidt, who appeared at CES Tuesday, said gadgets are yearning to talk to each other. In his view, the ability to automate a refrigerator or control lights remotely is simply how consumer technology should behave.



"Computing devices that are not on a network are lonely," Schmidt said.

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---- **Index References** ----

Company: SAMSUNG ELECTRONICS AMERICA INC; CELLCO PARTNERSHIP; APPLE INC; GOOGLE INC; ADT S I I C SA; SEARS HOLDINGS CORP; LG CORP; MOTOROLA MOBILITY HOLDINGS INC; HARMAN INTERNATIONAL INDUSTRIES INC; PARKS ASSOCIATES; COMCAST CORP; SAVANT EXPLORATIONS LTD; CENTERPOINT ENERGY INC

Industry: (Telecom Consumer Equipment (ITE03); Palmtop Computing (IPA77); Networking (INE45); Next Generation Wireless Technology (INE48); Electronics (1EL16); Consumer Products & Services (1CO62); Consumer Electronics Technology (1CO38); Consumer Electronics (1CO61); Wireless Networking (1WI62); Mobile Phones & Pagers (1WI07); I.T. (IIT96))

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**NewsRoom**

## NewsRoom

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July 19, 2012

Section: B

Pay by Voice? So Long, Wallet

DAVID POGUE

### CORRECTION APPENDED

A lot of the things we do today will make our grandchildren burst out laughing. Yes, we used to drive to a store to rent a movie. Yes, there were huge patches of America where you couldn't get a cellphone signal. Yes, we used to pay for things with pieces of green paper and plastic rectangles.

And if those squealing rugrats don't believe us, we can crack open the history book to 2012, the dawn of the twilight of cash and credit cards. That was the year when, for the first time, paying for things in stores required nothing more than saying your name to the cashier.

But first, some history. In 2010, a company called Square invented a credit card reader in the shape of a tiny white plastic square. It pops into the headphone jack of your iPhone, Android phone or **tablet**. Together with a beautiful, simple app, it lets you swipe people's credit cards (meaning scan them, not steal them).

Suddenly anyone can accept cards: baby sitters, cabdrivers, farmer's market vendors, piano teachers, personal trainers, bakers, salers, carpenters and lawn-mowing teenagers.

Square takes 2.75 percent of each transaction. Unlike traditional credit card arrangements, there are no monthly fees or minimums, setup costs or variable percentages. There aren't even equipment costs; the headphone-jack reader is free. There truly are no other costs or catches. (My column online has a link to my full review.)

The Square went viral. Today, the company says that two million Americans are happily swiping away.

Where there's a hit, there's a copycat, or a whole litter of them. It's the same idea each time -- you get a free plastic attachment for your phone's headphone jack -- with differences only in rates and target markets.

Intuit offers something called GoPayment, with a rather huge phone attachment and a complicated rate structure. (It advertises a 2.7 percent rate, but the fine print reveals that you'll pay 3.7 percent for reward cards, American Express and corporate cards.)

A company called mPowa is aimed at big companies that want the money to flow directly into their own accounts -- not be deposited first into a holding account, as Square, Intuit and others do. PayAnywhere's notable feature is that it takes the lowest cut of all: 2.69 percent.

And then there's the elephant that's just barged into the room: PayPal. Its rate is a hair lower than Square's (2.7 percent), and its reader is a triangle instead of a square. The reader is more stable than the Square when you swipe the card, but it's relatively giant. (I'll review some of these services in more depth on my blog, Pogue's Posts.)

All right, we get it: The little-guy-accepting-cards racket is heating up. But to Square, that's all been just a warm-up act. The main event is even more disruptive. It's a little something -- a big something -- called Pay With Square.

You walk into a shop or cafe. The cashier knows that you're on the premises, because your name and thumbnail photo appear on his iPad screen. He rings up your items by tapping them on the iPad.

And now the magic moment: To pay, you just say your name. The cashier compares your actual face with the photo on the iPad's screen, taps O.K., and the transaction is complete. No cash, no cards, no signatures -- you don't even have to take the phone out of your pocket.

It's glorious for you, because it's so much faster and less fussy than the old ways of paying. It's fantastic for the merchant, because lower friction (hassle) means more sales. The merchant's iPad Register app also offers a clear, useful "analytics" screen, showing how much of what was sold when. All of this is free for both you and (except for the usual 2.7 percent Square fee) the merchant.

You set up the phone app by choosing your photo and linking your credit card. Using GPS, the app automatically lists shops and cafes near you that offer the Pay With Square system. If you turn the phone 90 degrees, you see them as pushpins on a map. Square says that 75,000 merchants already accept Pay With Square.

I tried out Pay With Square in a San Francisco coffee shop. I tapped its name and then tapped Open a Tab (a one-time operation).

At the counter, I asked for a mocha and a muffin. While the employee went to get the muffin, I peeked around at his iPad, which was on a countertop mount. To my surprise, it showed photos of two other customers -- all of us had the Square app on our phones. The register app uses GPS and other location services to know when these people are in the shop.

When the cashier returned, I said, "I'm David." He said, "I know," tapped the screen, and that was it. I'd paid just by saying my name.

Last month, Square upgraded the system to make it even juicier for you, the customer. Now merchants can offer first-visit discounts, 10th-visit rewards and other bonuses; these offers show up on your phone app in the list of nearby merchants.

There are a few hitches and catches. For example, only merchants of a certain size will benefit -- too big for the Square reader in a phone, but too small for a full-blown corporate point-of-sale system. It requires that they use the iPad as a register. It lists everything they sell -- they have to input each item -- so stores with thousands of items might find it unwieldy.

After my muffin adventure, I chatted with the cashier. He said that his cafe was very happy with Pay With Square. But he also said that people sometimes use pictures of cats or SpongeBob instead of their own photos. That, of course, neatly destroys Pay With Square's chief security mechanism: the cashier's ability to see if you match your photo. (Square says that if you or the merchant ever get ripped off, it will make things right.)

Now, 75,000 shops is not a lot; in any given city, only a handful of stores may have Pay With Square. Still, I wouldn't bet against it. The system is joyously simple for both the buyer and the seller. Square says that its merchants report greater traffic and loyalty from its app-equipped customers.

PayPal's copycat version of this system is called PayPal Local, which works with the company's card reader as well as with existing commercial electronic registers, made by companies like Leapset, ShopKeep, Vend and Erply. PayPal says 50,000 stores have registers that can be upgraded with the PayPal Local software, if the shop owners so decide.

It's probably no surprise that using one of these systems means handing over whatever shred of privacy you used to think you

had. Now the merchants can track how often you come in, what sorts of things you buy, your size and color preferences. Of course, they've probably been doing that for years -- but now it's being advertised as an advantage.

But if you're not worried about that sort of thing, a great new world of convenience and savings awaits you. The loyalty-program features of Pay With Square and its rivals mean that more stores will be working harder to please you. The analytics features of the iPad Register app mean that stores and cafes are no longer condemned to using tally marks on a legal pad as their inventory and sales-tracking system.

Above all, Pay With Square and its imitators offer a glimpse of a future when you won't need to carry a wallet at all -- only your phone. Your purse or pants pockets will have to hold one lump, not two.

You heard it right, grandchildren. We're not as quaint as we seem.

Online Correction: July 19, 2012, Thursday

This article has been revised to reflect the following correction: A caption with an earlier version also described incorrectly how Pay With Square works. Customers with the app on their smartphones are recognized automatically, without the need to swipe a card. (The picture was of a regular Square transaction using an iPad.)

Correction: July 20, 2012, Friday

This article has been revised to reflect the following correction: The State of the Art column on Thursday, about advances in mobile payments, misspelled the name of a company involved in the technology. It is mPowa, not mPower.

PHOTOS: Pay With Square merchants use an iPad as a register, above. Swiping a credit card brings a customer's name and photo up on the screen. The app also offers a directory of merchants using the payment method, below right. (B8)

DRAWING (DRAWING BY STUART GOLDENBERG)

---- Index References ----

Industry: (Banking (1BA20); Consumer Electronics (1CO61); Consumer Products & Services (1CO62); Credit, Debit & Value Cards (1CR28); E-Commerce (1EC30); Electronics (1EL16); Financial Services (1FI37); I.T. (1IT96); Internet (1IN27); Mobile Commerce (1MO62); Mobile Phones & Pagers (1WI07); Palmtop Computing (1PA77); Retail Banking Services (1RE38); Telecom Consumer Equipment (1TE03))

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**NewsRoom**



## NewsRoom

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May 27, 2014

Section: Business

Review: Apple's CarPlay headed in right direction

Michael Liedtke; Liedtke is a technology writer with the Associated Press.

SAN FRANCISCO

Apple is getting ready to hitch the iPhone to cars in a mobile marriage of convenience.

The ambitious project, called CarPlay, implants some of the iPhone's main applications in automobiles so drivers can control them with voice commands, a touch on the steering wheel or a swipe on a display screen in the dashboard.

It's expected to be available this summer when Pioneer Electronics Inc. plans to release a software update for five car radios designed to work with the iPhone. Alpine Electronics of America Inc. also is working on CarPlay-compatible radios for cars already on the road. Honda, Hyundai, Mercedes-Benz, Volvo and Ferrari are among those expected to start selling vehicles with built-in CarPlay services this year.

Google Inc. is working with car makers to do something similar with smartphones running its Android operating system, but Apple Inc. appears to be further along in efforts to make it easier and safer to text, email, get directions, select music and, yes, even make calls while driving.

I recently checked out a test version of CarPlay in a van equipped with a Pioneer radio designed to work with the iPhone.

The demonstration through the streets of San Francisco convinced me that Apple is on the right track. The CarPlay system is bound to appeal to iPhone fans who spend a lot of time behind the wheel. It makes less sense for iPhone owners who, like me, spend more of their time walking and riding public transportation instead of driving.

If you want CarPlay, you will need an iPhone 5, 5s or 5c. An iPad won't work. The phones also must be running Apple's latest software, iOS 7.1. Free upgrades are available for older phones.

If you already have one of Pioneer's five compatible radios, a free firmware update is all you'll need.

Otherwise, CarPlay's biggest drawback is the cost. If you want it in a car you already own, compatible radios from Pioneer sell for \$700 to \$1,400. After factoring in other required parts and labor, figure on spending \$900 to \$1,000 just to get Pioneer's least-expensive CarPlay system in your vehicle. That's more than the price of a new iPhone but cheaper than buying a new car with CarPlay built in.

Pioneer's top-of-the-line CarPlay radio features a 7-inch screen that shows the iPhone apps for calls, contacts, music, maps and messaging when the device is plugged in with a cable.

Other mobile music apps -- including Spotify, Beats Music and iHeartRadio -- are supposed to be eventually available on CarPlay too. Facebook, YouTube and other apps that show a lot of photos and video won't be available for safety and legal reasons.

The key to CarPlay's success may hinge on Siri, the iPhone's digital personal assistant. Apple has been striving to make Siri smarter and more versatile, an endeavor that CarPlay figures to put to the test.

Siri serves as CarPlay's central nervous system, taking email dictation, reading incoming text messages out loud, and scrolling through the system for song requests or genres of music. Summoning Siri can be done by touching a button on the steering wheel or CarPlay's display screen.

Although CarPlay also responds to touch, the system is at its best when Siri is doing most of the work. I got only a half-hour demo of CarPlay, too little time to determine whether Siri will be up to the job.

Within minutes of getting in the car, Siri couldn't retrieve the correct address for a requested San Francisco restaurant. Instead, CarPlay listed several other places with the same name, so Siri apparently at least heard the request correctly. The omission of the requested restaurant may have reflected shortcomings in Apple's database of local businesses.

Beyond that, Siri performed flawlessly, reading back incoming texts, composing and sending emails and playing the role of disc jockey when asked to play the music of specific artists such as AC/DC. It took only a few seconds before "Back in Black" blasted through the stereo. Even a question about Arnold Schwarzenegger, a name that can be difficult to decipher, didn't stump Siri.

If Siri is able to consistently handle those kinds of challenges, CarPlay could make the iPhone an even more indispensable mobile device.

PHOTO: **APPLE'S CARPLAY** is demonstrated on a compatible radio from Pioneer Electronics.

PHOTOGRAPHER: Eric Risberg Associated Press

#### ---- Index References ----

Company: ALPINE ELECTRONICS INC; APPLE INC; Beats Music; FACEBOOK INC; GOOGLE INC; HYUNDAI CORP; AKTIEBOLAGET VOLVO; PIONEER ELECTRONICS SERVICE INC

News Subject: (Major Corporations (1MA93))

Industry: (Computer Equipment (1CO77); Consumer Electronics (1CO61); Consumer Products & Services (1CO62); Electronics (1EL16); I.T. (1IT96); Mobile Phones & Pagers (1WI07); Palmtop Computing (1PA77); Telecom Consumer Equipment (1TE03))

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## **EXHIBIT B**



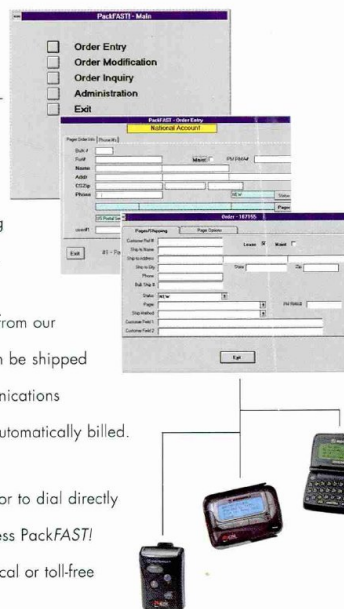


## PackFAST!™

PackFAST! is one more way WebLink Wireless puts control into the hands of its customers. The administrator will no longer need to call an office to request messaging device delivery and activation for end users. Ordering devices has never been easier.

PackFAST! allows WebLink Wireless' customers to order wireless devices directly from our inventory distribution center, directly from a PC. Each order is processed and can be shipped via next day airfreight (such as FedEx) either directly to employees or the Communications Administrator, fully activated and ready to use. With each order the account is automatically billed.

PackFAST! is a free computer program that permits a centralized administrator to dial directly into WebLink Wireless' provisioning system. As a part of the ordering process PackFAST! gives the customer the ability to select the messaging device and assign a local or toll-free number as well as select the desired coverage for each device.



### Features and Benefits

**Quick Response Time:** Rapidly activate and ship messaging devices to multiple locations (scaleable to larger quantities).

**Shipment Flexibility:** WebLink Wireless will package and send devices directly to your employees or the communications administrator at your company. Your company also has the options of selecting a shipment method and prioritizing on a per order basis.

**Reporting Capabilities:** Generate status reports and weekly summaries of all device activity on a daily or monthly basis.

**Dial-up Access for More Order Entry Flexibility:** Input orders 24 hours a day. Integrate PackFAST! with your existing billing and inventory management systems. Use your own order entry application to create order records. With the proper data capture, batch import interfaces are available.

**Menu-driven Commands:** Utilize intuitive, easy-to-use interface.

### Contact Information

For more information call WebLink Wireless at **1-888-988-0067** or visit our website at: [www.weblinkwireless.com](http://www.weblinkwireless.com)

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07/00 60329

## **EXHIBIT C**

**Third-Party Applications and Registrations where Services are Rendered by Device or Software by the Same Mark**

Exhibit No.	Description of Specimens Submitted
1	<p>Reg. No. 3694267 // KINDLE</p> <p>Even though KINDLE is being used as a mark for an e-book reader and associated software (Class 9), as the specimens on record with the PTO reflect, the KINDLE device/software mark is also being used as a service mark for data transmission services (Class 38).<sup>1</sup></p> <p>In Class 38, the PTO accepted as service mark specimens website printouts advertising the provision of data transmission services, apparently by the Kindle software. The website advertising states the following: "Kindle Blogs are auto-delivered wirelessly to your Kindle."</p>
2	<p>Reg. No. 3468551 // GARMIN &amp; Design</p> <p>Even though the GARMIN &amp; Design mark is being used for a GPS device and related software (Class 9),<sup>2</sup> as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for the transmission of GPS user location data (Class 38), providing mapping, navigation and traffic information (Class 39), and the provision of weather information (Class 42).</p> <p>In Class 38, the PTO accepted as a service mark specimen an excerpt of an owner's manual for a GPS device bearing the GARMIN &amp; Design mark. The PTO accepted the section of the owner's manual showing the device providing the GPS user location data transmission ("Share your activities: You can email your activities to others, or post links to your activities on your favorite social networking sites").</p> <p>In Class 39 and Class 42, the PTO accepted as service mark specimens excerpts from an owner's manual for a Blackberry device running software offered under the GARMIN &amp; Design mark. The PTO accepted the section of the manual showing the software providing mapping, navigation and traffic information (Class 38) and weather information (Class 42).</p>
3	<p>Reg. No. 3468532 // GARMIN</p> <p>Even though the GARMIN mark is being used for a GPS device and related software (Class 9),<sup>3</sup> as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for the transmission of GPS user location data (Class 38), providing mapping, navigation and traffic information (Class 39), and the provision of weather information (Class 42).</p> <p>In Class 38, the PTO accepted as a service mark specimen an excerpt of an owner's manual for a GPS device bearing the GARMIN mark. The PTO accepted the section of the owner's manual showing the device providing the GPS user location data transmission ("Share your activities: You can email your activities to others, or post links to your activities on your favorite social networking sites").</p>

<sup>1</sup> (Reference to the Class 41 portion of the application deleted for the sake of economy.)

<sup>2</sup> (Reference to the Class 10 portion of the application deleted for the sake of economy.)

<sup>3</sup> (Reference to the Class 10, Class 25, and Class 35 portions of the application deleted for the sake of economy.)

Exhibit No.	Description of Specimens Submitted
	In Class 39 and 42, the PTO accepted as a service mark specimen excerpts from an owner's manual for a Blackberry device running software offered under the GARMIN mark. The PTO accepted the section of the manual showing the software providing mapping, navigation and traffic information (Class 39) and weather information (Class 42).
4	<p>Reg. No. 2690201 // NOKIA (Stylized)</p> <p>Even though the NOKIA (Stylized) mark is being used for a mobile telephone device and related software (Class 9), as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for transmission of electronic mail, messages, and data (Class 38).<sup>4</sup></p> <p>In Class 38, the PTO accepted as a service mark specimen screenshots from an online user's guide for a Nokia mobile device providing information on text and multimedia messaging using the device.</p>
5	<p>Reg. Nos. 3578014 and 4119959 // WII</p> <p>Even though the WII mark is being used for video game devices (Class 9), as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for voice mail and voice signal transmission services (Class 38).</p> <p>In Class 38, the PTO accepted as a service mark specimen a screenshot from a website advertising a hands-free microphone device that arguably renders the voice transmission services. ("The Wii Speak accessory is a hands-free microphone for the Wii console that rests on top of your TV set. Together with the Wii Speak Channel, you can use the Wii Speak accessory to talk with your Wii who also have a Wii Speak accessory").</p>
6	<p>Reg. No. 2553771 // NINTENDO GAMECUBE</p> <p>The NINTENDO GAMECUBE mark is used in connection with on-line access to educational services and information regarding electronic game programs (Class 41).</p> <p>In Class 41, the PTO accepted as a service mark specimen a website support page that displays "Nintendo GameCube" at the top of the page devoted to support for the Nintendo GameCube device. The specimen makes several references to the Nintendo GameCube device itself throughout (e.g., "This section provides information on properly connecting your Nintendo GameCube...", "Need help with a Nintendo GameCube accessory?", "Have questions about connecting your Game Boy Advances to a Nintendo GameCube", "If you have a technical question about a Nintendo GameCube game, post it here").</p>
7	<p>Reg. No. 4388321 // BLACKBERRY TOUR</p> <p>Even though the BLACKBERRY TOUR mark is being used for a digital mobile device and related accessories (Class 9),<sup>5</sup> as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for telecommunications services, including e-mail and wireless data messaging services and providing access to electronic databases (Class 38).</p> <p>In Class 38, the PTO accepted as a service mark specimen a webpage screenshot showing the</p>

<sup>4</sup> (Reference to the Class 42 portion of the application deleted for the sake of economy.)

<sup>5</sup> (Reference to the Class 42 portion of the application deleted for the sake of economy.)



Exhibit No.	Description of Specimens Submitted
	BLACKBERRY TOUR mark at the top of the page, underneath which it says “Blackberry App World” and depicts computer software running. (“Blackberry App World is available for free. Simply download it from your Blackberry smartphone or computer and get started”). The Class 38 services are presumably inferred.
8	<p>Reg. Nos. 4389703 and 4502119 // WINDOWS PHONE</p> <p>Even though the WINDOWS PHONE mark is being used for mobile device operating software (Class 9), as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for telecommunications services (Class 38).</p> <p>In Class 38, the PTO accepted as a service mark specimen a webpage screenshot showing that the WINDOWS PHONE software renders the advertised texting and messaging services (“On Windows Phone, text and chat are brought together.” “Check out following topics to see what else you can do with text messaging and chatting in Windows Phone.”)</p>
9	<p>Reg. No. 3102687 // BLACKBERRY &amp; Design</p> <p>Even though the BLACKBERRY &amp; Design mark is being used for electronic handheld devices and related software and accessories (Class 9),<sup>6</sup> as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for wireless data messaging services (Class 38).</p> <p>In Class 38, the PTO accepted as a service mark specimen a webpage screenshot showing that the BLACKBERRY device and software renders the advertised message and texting services (i.e. “Enjoy on-the-go email access with your BlackBerry® smartphone” and other references)</p>
10	<p>Reg. No. 2556316 // ONSTAR &amp; Design</p> <p>Even though the ONSTAR &amp; Design mark is being used for a vehicle navigational device (Class 9),<sup>7</sup> as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for roadside emergency services (Class 37).</p> <p>In Class 37, the PTO accepted as a service mark specimen an excerpt of an owner’s guide that discusses how to use the OnStar in-vehicle device to obtain roadside assistance (“Take a moment to familiarize yourself with the three OnStar buttons... The blue button can connect you to a specially trained OnStar Advisor 24 hours a day, 365 days a year for assistance...In the event of an emergency, push the red emergency button. Your vehicle is designed to send your current location to an OnStar Advisor who can find out what assistance you need, and notify nearby emergency service providers...”)</p>
11	<p>Reg. No. 4396516 // NIKEFUEL</p> <p>Even though the NIKEFUEL mark is being used for a fitness monitoring device and software (Class 9)<sup>8</sup>, as the specimens on record with the PTO reflect, the trademark is also being used as a service mark for an online forum for sharing fitness information (Class 38).</p>

<sup>6</sup> (Reference to the Class 41 portion of the application deleted for the sake of economy.)

<sup>7</sup> (Reference to the Class 38 portion of the application deleted for the sake of economy.)

<sup>8</sup> (Reference to the Class 41 and Class 42 portions of the application deleted for the sake of economy.)

Exhibit No.	Description of Specimens Submitted
	<p>In Class 38, the PTO accepted as a service mark specimen a website print-out showing that NIKEFUEL is a service that depends on NIKE devices. (“NikeFuel starts with NIKE+ Devices – Nike+ devices track your runs, your walks, your entire athletic life.”)</p>

## EXHIBIT 1





## United States Patent and Trademark Office

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# KINDLE

**Word Mark** KINDLE**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Portable electronic device for receiving and reading text and images and sound through wireless Internet access and for displaying electronically published materials, namely, books, journals, newspapers, magazines, multimedia presentations; computer hardware and software in the field of text, image and sound transmission and display. FIRST USE: 20071119. FIRST USE IN COMMERCE: 20071119

IC 038. US 100 101 104. G &amp; S: Transmission of text, images and sound through a portable electronic device. FIRST USE: 20071119. FIRST USE IN COMMERCE: 20071119

IC 041. US 100 101 107. G &amp; S: Providing information in the field of electronic publishing in all forms, via a global computer information network. FIRST USE: 20071119. FIRST USE IN COMMERCE: 20071119

**Standard Characters Claimed****Mark Drawing Code** (4) STANDARD CHARACTER MARK**Serial Number** 78874830**Filing Date** May 2, 2006**Current Basis** 1A**Original Filing Basis** 1B

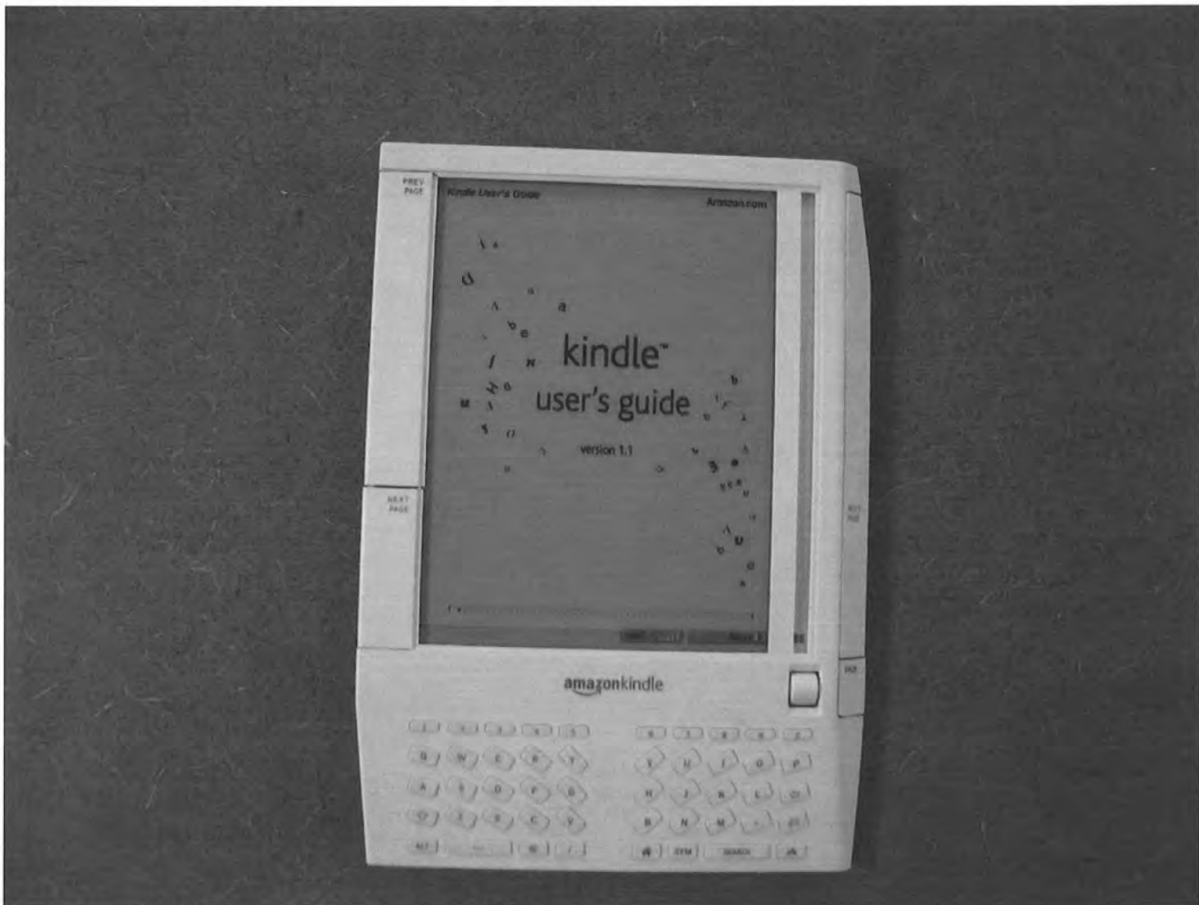
**Published for Opposition**  
**Registration Number** 3694267  
**International Registration Number** 1183592  
**Registration Date** October 6, 2009  
**Owner** (REGISTRANT) AMAZON TECHNOLOGIES, INC. CORPORATION NEVADA ATTN: TRADEMARKS PO BOX 8102 RENO NEVADA 89507  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Amazon Technologies, Inc.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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Class 9 Specimen

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#### Editorial Reviews

##### Product Description

Featuring the latest in the headlines, Breaking News highlights the newest content from The New York Times. Updated several times throughout the day, Breaking News keeps its readers current with everyday events.

Kindle blogs are fully downloaded onto your Kindle so you can read them even when you're not wirelessly connected. And unlike RSS readers which often only provide headlines, blogs on Kindle contain full text content and images, and are updated wirelessly throughout the day.

#### Product Details

**Format:** Kindle Edition

**Publisher:** The New York Times Company

**Sold by:** Amazon Digital Services

**ASIN:** B000Q6Z64S

**Average Customer Review:** (14 customer reviews)

**Amazon.com Sales Rank:** #433 in Kindle Store (See [Bestsellers in Kindle Store](#))

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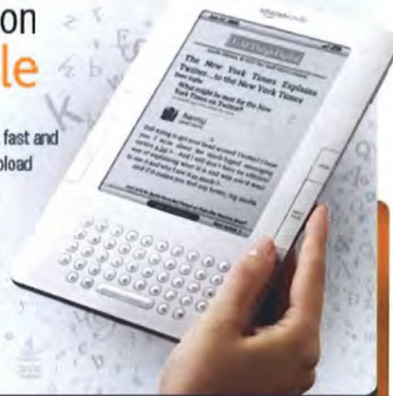
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Amazon Kindle Publishing for Blogs is a fast and easy self-publishing tool that lets you upload your blog for sale in the **Kindle Store**.

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Class 38 Specimen



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## Welcome to Digital Text Platform



Digital Text Platform is a fast and easy self-publishing tool that lets you upload and format your books for sale in the [Kindle Store](#).

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**Your Way.** Digital Text Platform gives you everything you need to become your own publisher today. See for yourself.



### Getting Started & FAQs

Check out our quick guide and get started publishing on Amazon Kindle.



### What is Amazon Kindle?

Find out what the new Amazon wireless reading device is all about.



### Community Forums

Have a question? Ask an expert—or join the community and be one.



## Digital Text Platform Community Support

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Welcome to the Digital Text Platform Support Center. If you have questions about Digital Text Platform, this is the place to find answers. Browse the [knowledge base](#) for how-to articles that will help get you started publishing. Visit the [community forum](#) to ask questions and get answers from fellow publishers.


A few things to keep in mind:

- This is a public forum, so please don't post any personal information such as credit card numbers, password, social security numbers, etc.

Search All Forums:

Online Users: 116 guest(s), 12 user(s). [More info >](#)

Forum / Category	Views	Threads / Messages	Last Post
<b>FAQ (Frequently Asked Questions)</b> Get the answers to the most common questions about Digital Text Platform.			
 <a href="#">General Questions</a> General questions and answers about publishing with Digital Text Platform.	62,936	1 / 1	Jul 15, 2009 10:23 AM by: <a href="#">dtadmin</a> »
<b>Publisher Support</b>			
 <a href="#">Payment Issues</a> Report problems with receiving payments.	32,780	197 / 1,168	Aug 19, 2009 8:30 AM by: <a href="#">freepresspublic...</a> »
 <a href="#">Account Issues</a> Report general account issues.	21,987	310 / 1,460	Aug 19, 2009 6:48 AM by: <a href="#">kreelanwarrior</a> »
 <a href="#">Feedback</a> Provide feedback on publishing with Digital Text Platform.	17,343	202 / 784	Aug 18, 2009 9:14 PM by: <a href="#">jeromepaulcoe</a> »
<b>Ask the Community</b> Request answers from other publishers using Digital Text Platform.			
 <a href="#">General Questions</a> Post general publishing questions here.	64,301	1,101 / 4,600	Aug 19, 2009 8:55 AM by: <a href="#">okellvhs</a> »
 <a href="#">My Shelf</a> Post questions about the My Shelf tab of the Dashboard.	13,647	121 / 460	Aug 19, 2009 6:38 AM by: <a href="#">damian505</a> »
 <a href="#">My Account</a> Post questions about the My Account tab of the Dashboard.	7,900	61 / 240	Aug 15, 2009 4:02 AM by: <a href="#">cdhauy</a> »
 <a href="#">Formatting</a> Post questions about formatting your content.	34,879	372 / 1,648	Aug 18, 2009 6:19 AM by: <a href="#">mshikibu</a> »

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 Last message posted at:  
 Aug 19, 2009 6:48 AM  
 [Payment Issues](#)  
 Messages: 1,168  
 Last message posted at:  
 Aug 19, 2009 8:30 AM  
 [Feedback](#)  
 Messages: 784  
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 Aug 18, 2009 9:14 PM  
 [General Questions](#)  
 Messages: 4,600  
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 Aug 19, 2009 8:55 AM

## EXHIBIT 2



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GARMIN

**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Satellite Navigation Systems, namely, a global positioning system (GPS); Electronic navigational devices, namely, global positioning satellite (GPS) based navigation receivers; electronic depth sounders; portable communication devices, namely, radio transceivers and wireless telephones; pre-recorded CD-ROMs and cartridges featuring digital map data and software for facilitating use of GPS based navigation receivers, radio transceivers and wireless telephone; Global positioning systems comprised of computers, transmitters, network interface devices, GPS receivers, antennas, and a LCD display; Automobile navigation apparatus featuring GPS receivers, digital map displays and turn-by-turn instructions; electronic marine navigation products, namely, chart plotters and sonar depth sounders; avionics, namely, portable and panel mounted electronic navigation instruments for assisting a pilot in navigating an aircraft, primary flight displays and multi-function flight displays; GPS receivers; portable GPS devices, namely, electronic instruments for determining and outputting position and speed; marine electronic apparatus, namely, marine sonar fish finders; electronic chart plotters; wireless communications radios; wireless communications radios featuring a GPS receiver; personal digital assistants featuring a GPS receiver and electronic maps; satellite radio receivers; electronic navigation devices, namely, GPS receivers having an electronic compass; electronic navigation devices, namely, GPS receivers having an altimeter; electronic storage media, namely, CD-ROMs, DVDs, discs and cards containing map data; and navigation software for calculating and displaying route; Avionics, communications, navigational and vehicle monitoring equipment, namely, radio, navigational and global positioning system receivers; data radio communications transceivers, data processors and data processing consoles; Theft deterrent software sold as a component of global positioning system (GPS) unit. Computer software to enable the transmission of mapping, navigation, traffic, weather and point-of-interest information to telecommunications networks, cellular telephones and navigation devices; Computer software for the marking and uploading of information about places of interest to a global positioning system, and retrieval of this information via audio transmission and visual display, sold as a component of a global positioning system unit; Computer software for inputting, storing,

processing or outputting personal exercise or fitness information; Portable personal navigation devices; portable personal navigation devices featuring travel guide features, language translation features, dictionary features and audible book-player features; Wireless two-way radios; and electronic handheld devices, namely, a combination two-way radio and GPS receiver; computer software, namely, an application allowing enhanced satellite acquisition, sold as a component part of a global positioning system (GPS); Motorcycle navigation system featuring GPS receiver, digital map displays and turn-by-turn instructions; Handheld global positioning system (GPS) consisting of computers, computer software, transmitters, receivers and network interface devices; FM band radio receivers; Electric cables; Battery packs; Antennas; Protective carrying cases for GPS units; and electronic pet products, namely, a global positioning system used to locate pets, consisting of a GPS receiver and a transmitter worn by the pet that transmits to a receiver held by the pet owner; electronic exercise monitor, namely, an electronic tracking device; electronic exercise monitor featuring a GPS receiver, namely, an electronic tracking device. FIRST USE: 20061029. FIRST USE IN COMMERCE: 20061029

IC 010. US 026 039 044. G & S: Electronic exercise monitors, namely, a heart rate monitor; electronic exercise monitor featuring a GPS receiver, namely, a heart rate monitor. FIRST USE: 20071000. FIRST USE IN COMMERCE: 20071000

IC 038. US 100 101 104. G & S: Transmission of a global positioning system user's location to others via telecommunication and global communication networks. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100

IC 039. US 100 105. G & S: Providing mapping, navigation, traffic and point-of-interest information via telecommunication networks, cellular telephones and wireless navigation devices. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100

IC 042. US 100 101. G & S: Providing weather information via telecommunication networks, cellular telephones and wireless navigation devices. FIRST USE: 20070100. FIRST USE IN COMMERCE: 20070100

<b>Mark Drawing Code</b>	(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS
<b>Design Search Code</b>	26.05.21 - Triangles that are completely or partially shaded
<b>Trademark Search Facility Classification Code</b>	SHAPES-TRIANGLES Triangular shaped designs and marks including incomplete triangles
<b>Serial Number</b>	77021124
<b>Filing Date</b>	October 13, 2006
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	August 28, 2007
<b>Registration Number</b>	<b>3468551</b>
<b>Registration Date</b>	July 15, 2008
<b>Owner</b>	(REGISTRANT) Garmin Ltd. CORPORATION CAYMAN ISLANDS P.O. Box 10670 45 Market St., Suite 3206B, Gardenia Ct. Camana Bay CAYMAN ISLANDS  (LAST LISTED OWNER) GARMIN SWITZERLAND GMBH CORPORATION SWITZERLAND VORSTADT 40/42 SCHAFFHAUSEN SWITZERLAND 8200
<b>Assignment</b>	ASSIGNMENT RECORDED

**Recorded****Attorney of  
Record**

David V. Ayres

**Prior  
Registrations**

2288989;2949731;3107462

**Description of  
Mark**

Color is not claimed as a feature of the mark. The mark consists of a stylized isosceles triangle design and the stylized word "GARMIN".

**Type of Mark**

TRADEMARK. SERVICE MARK

**Register**

PRINCIPAL

**Affidavit Text**

SECT 15. SECT 8 (6-YR).

**Live/Dead  
Indicator**

LIVE

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Class 9 Specimen





# Edge® 810

## Owner's Manual



December 2012

120-01510-02\_08

Printed in Taiwan

Class 38 Specimen



**Share your activities:** You can email your activities to others, or post links to your activities on your favorite social networking sites.

### Connected Features

The Edge has several connected features for your compatible Bluetooth®-enabled smartphone. For more information about how to use your Edge, go to [www.garmin.com/intosports/apps](http://www.garmin.com/intosports/apps).

**NOTE:** Your Edge must be connected to your Bluetooth-enabled smartphone to take advantage of these features.

**LiveTrack:** Allows friends and family to follow your races and training activities in real time. You can invite followers using email or social media, allowing them to view your live data on a Garmin Connect tracking page.

**Activity upload to Garmin Connect:** Automatically sends your activity to Garmin Connect as soon as you finish recording the activity.

**Course and workout downloads from Garmin Connect:** Allows you to search for activities on Garmin Connect using your smartphone and send them to your device so that you can repeat them as a course or workout.

**Social media Interactions:** Allows you to automatically post an update to your favorite social media website when you upload an activity to Garmin Connect.

**Weather updates:** Sends real-time weather conditions and alerts to your device.

### Deleting History

- 1 From the home screen, select **■** > **Delete**.
- 2 Select an option:
  - Select **All Rides** to delete all saved activities from the history.
  - Select **Old Rides** to delete activities recorded more than one month ago.
  - Select **All Totals** to reset all distance and time totals.

**NOTE:** This does not delete any saved activities.

  - Select **All Courses** to delete all courses you have saved or transferred to the device.
  - Select **All Workouts** to delete all workouts you have saved or transferred to the device.
  - Select **All Personal Records** to delete all personal records saved to the device.

**NOTE:** This does not delete any saved activities.
- 3 Select **✓**.

### Data Recording

The device uses smart recording. It records key points where you change direction, speed, or heart rate.

When a power meter is paired, the device records points every second. Recording points every second provides an extremely detailed track, and uses more of the available memory.

For information about data averaging for cadence and power, see [page 6](#).

### Changing the Data Storage Location

- 1 From the home screen, select **⌘** > **System** > **Data Recording** > **Record To**.
- 2 Select an option:
  - Select **Internal storage** to save your data to the device memory.
  - Select **Memory Card** to save your data to an optional memory card.

### Installing a Memory Card

You can install a microSD™ memory card for additional storage or pre-loaded maps.

- 1 Pull up the weather cap **①** from the microSD card slot **②**.



- 2 Press in the card until it clicks.

### Data Management

**NOTE:** The device is not compatible with Windows® 95, 98, Me, Windows NT®, and Mac® OS 10.3 and earlier.

### Connecting the Device to Your Computer

#### NOTICE

To prevent corrosion, thoroughly dry the mini-USB port, the weather cap, and the surrounding area before charging or connecting to a computer.

- 1 Pull up the weather cap from the mini-USB port.
  - 2 Plug the small end of the USB cable into the mini-USB port.
  - 3 Plug the large end of the USB cable into a computer USB port.
- Your device and memory card (optional) appear as removable drives in My Computer on Windows computers and as mounted volumes on Mac computers.

### Transferring Files to Your Device

- 1 Connect the device to your computer ([page 8](#)).
- Your device and memory card (optional) appear as removable drives in My Computer on Windows computers and as mounted volumes on Mac computers.
- NOTE:** Some computers with multiple network drives cannot display device drives. See your operating system help file to learn how to map the drive.
- 2 On your computer, open the file browser.
  - 3 Select a file.
  - 4 Select **Edit** > **Copy**.
  - 5 Open the Garmin or memory card drive or volume.
  - 6 Select **Edit** > **Paste**.
- The file appears in the list of files in the device memory or on the memory card.

**GARMIN.**

owner's manual

# Garmin Mobile™





**BlackBerry.**


Classes 39 and 42 Specimens


## Using the Main Page





 **Where to?**—find addresses, Points of Interest (restaurants, hotels, attractions), intersections, and a variety of other locations. See [page 5–9](#) for information on finding destinations.

 **View map**—see a map of your current location. The map moves as you move to constantly show your current location.

 **Traffic**—view traffic events near your current location, or any location found using the Where to? menu.

 **Weather**—view current conditions and a five-day forecast for your current location, or any location found using the Where to? menu.

 **Settings**—customize your preferences for navigation and other application features.

 **Exit**—close the Garmin Mobile for BlackBerry application.

### Following a Route

After you find a location, select **Start Navigating** to create a route to it. The map automatically opens with your route indicated with a magenta line.



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For the latest free software updates (excluding map data) throughout the life of your Garmin products, visit the Garmin Web site at [www.garmin.com](http://www.garmin.com).



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1200 East 151<sup>st</sup> Street, Olathe, Kansas 66062, USA

Garmin (Europe) Ltd.  
Liberty House, Hounsdown Business Park, Southampton, Hampshire, SO40 9RB UK

Garmin Corporation  
No. 68, Jangshu 2nd Road, Shijr, Taipei County, Taiwan

[www.garmin.com](http://www.garmin.com)

Part Number 190-00981-00 Rev. A

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## EXHIBIT 3





United States Patent and Trademark Office

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# GARMIN

**Word Mark** GARMIN**Goods and Services**

IC 009. US 021 023 026 036 038. G & S: Satellite Navigation Systems, namely, a global positioning system (GPS); Electronic navigational devices, namely, global positioning satellite (GPS) based navigation receivers; electronic depth sounders; portable communication devices, namely, radio transceivers and wireless telephones; pre-recorded CD-ROMs and cartridges featuring digital map data and software for facilitating use of GPS based navigation receivers, radio transceivers and wireless telephone; Global positioning systems comprised of computers, transmitters, network interface devices, GPS receivers, antennas, and a LCD display; Automobile navigation apparatus featuring GPS receivers, digital map displays and turn-by-turn instructions; electronic marine navigation products, namely, chart plotters and sonar depth sounders; avionics, namely, portable and panel mounted electronic navigation instruments for assisting a pilot in navigating an aircraft, primary flight displays and multi-function flight displays; GPS receivers; portable GPS devices, namely, electronic instruments for determining and outputting position and speed; marine electronic apparatus, namely, marine sonar fish finders; electronic chart plotters; wireless communications radios; wireless communications radios featuring a GPS receiver; personal digital assistants featuring a GPS receiver and electronic maps; satellite radio receivers; electronic navigation devices, namely, GPS receivers having an electronic compass; electronic navigation devices namely, GPS receivers having an altimeter; electronic storage media, namely, CD-ROMs, DVDs, discs and cards containing map data; and navigation software for calculating and displaying route; Avionics, communications, navigational and vehicle monitoring equipment, namely, radio, navigational and global positioning system receivers; data radio communications transceivers, data processors and data processing consoles; Theft deterrent software sold as a component of global positioning system (GPS) unit. Computer software to enable the transmission of mapping, navigation, traffic, weather and point-of-interest information to telecommunications networks, cellular telephones and navigation devices; Computer software for the marking and uploading of information about places of interest to a global positioning system, and retrieval of this information via audio transmission and visual display, sold as a component of a global positioning system unit; Computer software for inputting, storing, processing or outputting personal exercise or fitness information; Portable personal navigation

devices; portable personal navigation devices featuring travel guide features, language translation features, dictionary features and audible book-player features; Wireless two-way radios; and electronic handheld devices, namely, a combination two-way radio and GPS receiver; computer software, namely, an application allowing enhanced satellite acquisition, sold as a component part of a global positioning system (GPS); Motorcycle navigation system featuring GPS receiver, digital map displays and turn-by-turn instructions; Handheld global positioning system (GPS) consisting of computers, computer software, transmitters, receivers and network interface devices; FM band radio receivers; Electric cables; Battery packs; Antennas; Protective carrying cases for GPS units; and electronic pet products, namely, a global positioning system used to locate pets, consisting of a GPS receiver and a transmitter worn by the pet that transmits to a receiver held by the pet owner; electronic exercise monitor, namely, an electronic tracking device; electronic exercise monitor featuring a GPS receiver, namely, an electronic tracking device. FIRST USE: 19910425. FIRST USE IN COMMERCE: 19910425

IC 010. US 026 039 044. G & S: Electronic exercise monitors, namely, a heart rate monitor; electronic exercise monitor featuring a GPS receiver, namely, a heart rate monitor. FIRST USE: 20031110. FIRST USE IN COMMERCE: 20031110

IC 025. US 022 039. G & S: Clothing, namely, shirts, hats and caps. FIRST USE: 20060927. FIRST USE IN COMMERCE: 20060927

IC 035. US 100 101 102. G & S: Dealership services in the fields of communications, navigation and avionics equipment; Value-added reseller distributorship and wholesale distributorship services in the fields of avionics, communications and navigation. FIRST USE: 20030410. FIRST USE IN COMMERCE: 20030410

IC 038. US 100 101 104. G & S: Transmission of a global positioning system user's location to others via telecommunication and global communication networks. FIRST USE: 19990300. FIRST USE IN COMMERCE: 19990300

IC 039. US 100 105. G & S: Providing mapping, navigation, traffic and point-of-interest information via telecommunication networks, cellular telephones and wireless navigation devices. FIRST USE: 20050900. FIRST USE IN COMMERCE: 20050900

IC 042. US 100 101. G & S: Providing weather information via telecommunication networks, cellular telephones and wireless navigation devices. FIRST USE: 20050900. FIRST USE IN COMMERCE: 20050900

**Standard  
Characters  
Claimed**

**Mark  
Drawing  
Code**

(4) STANDARD CHARACTER MARK

**Serial  
Number**

77011743

**Filing Date**

October 2, 2006

**Current  
Basis**

1A

**Original  
Filing Basis**

1A;1B

**Published for  
Opposition**

August 28, 2007

**Registration  
Number**

3468532

**Registration  
Date**

July 15, 2008

**Owner**

(REGISTRANT) Garmin Ltd. CORPORATION CAYMAN ISLANDS P.O. Box 10670 45 Market St., Suite

3206B, Gardenia Ct. Camana Bay CAYMAN ISLANDS KY1 1006

(LAST LISTED OWNER) GARMIN SWITZERLAND GMBH CORPORATION SWITZERLAND VORSTADT  
40/42 SCHAFFHAUSEN SWITZERLAND 8200

**Assignment  
Recorded** ASSIGNMENT RECORDED

**Attorney of  
Record** David V. Ayres

**Prior  
Registrations** 2288989;2949731;3107462

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead  
Indicator** LIVE

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Class 9 Specimen



## Edge® 810

### Owner's Manual



December 2012

100-01510-00\_08

Printed in Taiwan

Class 38 specimen





**Share your activities:** You can email your activities to others, or post links to your activities on your favorite social networking sites.

### Connected Features

The Edge has several connected features for your compatible Bluetooth®-enabled smartphone. For more information about how to use your Edge, go to [www.garmin.com/Intosports/apps](http://www.garmin.com/Intosports/apps).

**NOTE:** Your Edge must be connected to your Bluetooth-enabled smartphone to take advantage of these features.

**LiveTrack:** Allows friends and family to follow your races and training activities in real time. You can invite followers using email or social media, allowing them to view your live data on a Garmin Connect tracking page.

**Activity upload to Garmin Connect:** Automatically sends your activity to Garmin Connect as soon as you finish recording the activity.

**Course and workout downloads from Garmin Connect:** Allows you to search for activities on Garmin Connect using your smartphone and send them to your device so that you can repeat them as a course or workout.

**Social media Interactions:** Allows you to automatically post an update to your favorite social media website when you upload an activity to Garmin Connect.

**Weather updates:** Sends real-time weather conditions and alerts to your device.

### Deleting History

- From the home screen, select > Delete.
- Select an option:
  - Select **All Rides** to delete all saved activities from the history.
  - Select **Old Rides** to delete activities recorded more than one month ago.
  - Select **All Totals** to reset all distance and time totals.

**NOTE:** This does not delete any saved activities.

  - Select **All Courses** to delete all courses you have saved or transferred to the device.
  - Select **All Workouts** to delete all workouts you have saved or transferred to the device.
  - Select **All Personal Records** to delete all personal records saved to the device.

**NOTE:** This does not delete any saved activities.
- Select .

### Data Recording

The device uses smart recording. It records key points where you change direction, speed, or heart rate.

When a power meter is paired, the device records points every second. Recording points every second provides an extremely detailed track, and uses more of the available memory.

For information about data averaging for cadence and power, see [page 6](#).

### Changing the Data Storage Location

- From the home screen, select > System > Data Recording > Record To.
- Select an option:
  - Select **Internal Storage** to save your data to the device memory.
  - Select **Memory Card** to save your data to an optional memory card.

### Installing a Memory Card

You can install a microSD™ memory card for additional storage or pre-loaded maps.

- Pull up the weather cap from the microSD card slot .



- Press in the card until it clicks.

### Data Management

**NOTE:** The device is not compatible with Windows® 95, 96, Me, Windows NT®, and Mac® OS 10.3 and earlier.

### Connecting the Device to Your Computer

#### NOTICE

To prevent corrosion, thoroughly dry the mini-USB port, the weather cap, and the surrounding area before charging or connecting to a computer.

- Pull up the weather cap from the mini-USB port.
  - Plug the small end of the USB cable into the mini-USB port.
  - Plug the large end of the USB cable into a computer USB port.
- Your device and memory card (optional) appear as removable drives in My Computer on Windows computers and as mounted volumes on Mac computers.

### Transferring Files to Your Device

- Connect the device to your computer ([page 8](#)).
- Your device and memory card (optional) appear as removable drives in My Computer on Windows computers and as mounted volumes on Mac computers.
- NOTE:** Some computers with multiple network drives cannot display device drives. See your operating system help file to learn how to map the drive.
- On your computer, open the file browser.
  - Select a file.
  - Select **Edit > Copy**.
  - Open the Garmin or memory card drive or volume.
  - Select **Edit > Paste**.
- The file appears in the list of files in the device memory or on the memory card.



**GARMIN.**

owner's manual

# Garmin Mobile™





**BlackBerry.**


Classes 39 and 42 Specimens


## Using the Main Page





 **Where to?**—find addresses, Points of Interest (restaurants, hotels, attractions), intersections, and a variety of other locations. See [page 5–9](#) for information on finding destinations.

 **View map**—see a map of your current location. The map moves as you move to constantly show your current location.

 **Traffic**—view traffic events near your current location, or any location found using the Where to? menu.

 **Weather**—view current conditions and a five-day forecast for your current location, or any location found using the Where to? menu.

 **Settings**—customize your preferences for navigation and other application features.

 **Exit**—close the Garmin Mobile for BlackBerry application.

### Following a Route

After you find a location, select **Start Navigating** to create a route to it. The map automatically opens with your route indicated with a magenta line.

## EXHIBIT 4



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**Goods and Services** IC 009. US 021 023 026 036 038. G & S: \* mobile \* telephones, [ cordless, wireless or satellite telephones, dedicated network computer terminals for telecommunications, facsimiles, communicators]; smart telephones, namely, telephones with capability of transmitting data voice and images and accessing the Internet, sending and receiving [ faxes and ] e-mail; [ payphones, public telephones; antennas, ] batteries, battery chargers, power supplies, housings or casings or covers, clips, carrying cases for mobile telephones [ , PDAs and computers and carrying cases for accessories therefor, namely, microphones, speakers, headsets, batteries, covers and battery chargers ]; holders, desktop stands, [ microphones, speakers, headsets, ] mobile telephone accessories in the nature of hands free holders, headsets, microphones and speakers for mobile telephones; car kits for the adaptation of portable communication apparatus and instruments for vehicular use, comprising [ antennas, antenna transmission wires, antenna adapters, ] cables, earphones, handsfree microphones, phone holders, speakers, car chargers, data cables and electrical wires; [ telephone stands being parts of telephones, electric adaptor cables, telephone cables, microphones, speakers and battery chargers; apparatus for recording, storing, transmission, receiving or reproducing of data, sound, images and/or video, namely, base stations comprising directional antennas, electronic base station controllers, directional antennas, microwave radios, telephone exchanges, access nodes, switches for telecommunication purposes, servers, routers, data smart cards, modems, multiplexers; electrical cables and optical fibers cables. electronic systems and apparatus, namely, scramblers, descramblers, encoders and decoders, for scrambling, descrambling, encoding and/or decoding of voice, data, image and video transmissions, electronic data input and output apparatus, namely, terminals, receivers, transmitters, decoders, and transceivers capable of processing broadcast, satellite, facsimile, television, telecommunication, network, infrared, video game, and computer data signals and for transmission, reproducing or receiving of sound, images, video, multimedia or data; data processing equipment, namely, digital signal processors ]; \* mobile \* computers, [ computer software and programs used for transmission or reproducing or receiving of sound, images, video or data over a telecommunications network or system between terminals and for enhancing and facilitating use and access to computer networks and telephone networks and there between; computer software for use in general purpose database management; computer e-commerce software to allow user to safely place orders and make payments in the field of electronic business transactions via a global computer network or



telecommunications network; training and product support software for computers and mobile phones in the field of communications; computer utility software for performing computer maintenance work; computer game software; ] computer software and programs featuring music, movies, animation, electronic books, and games in the field of general entertainment; [ power sources for communication network elements, namely, batteries and power supplies; substations or repeaters, namely, signal amplifiers or repeater amplifiers. multimedia systems, namely, software for the distribution of information and interactive content containing text, images, video and sound to users in the field of communications and multimedia terminals for computers; satellite, cable and/or terrestrial receivers and antennas, switches and motors thereof; monitors, displays for mobile phones ]; user interface units, namely, keyboards, keypads, key rolls, buttons, [ switchboards ] and screens; computer software and programs for management and operation of [ of wireless telecommunications devices ] \* mobile telephones \*; computer software for accessing, searching, indexing and retrieving information and data from global computer networks and global communication networks, and for browsing and navigating through web sites on said networks, and computer software for sending and receiving short messages and electronic mail [ and for filtering non-text information from the data ]; analog and digital radio transceivers or receivers for data, voice, image and video communication \* sold as a component parts of mobile telephones \*; electronic game software for mobile [ handsets ] \* telephones \*; cameras, namely, [ photographic cameras, ] digital cameras, and [ motion picture cameras, ] video cameras \* sold as component parts of mobile telephones \*; [ systems and apparatus for electric money transactions, namely, smart cards, smart card readers; ] calculators \* sold as component parts of mobile telephones \*; [ cards for communications purposes, namely, data cards, modem cards and fax modem cards for communication purposes, all for use with communications apparatus; electronic publications, namely, computer user manuals recorded on computer media. blank audio and video cassettes, tapes, CD's; pre-recorded audio and video cassettes, tapes and CD's featuring music, movies, animation, electronic books, video games; audio and video tape, cassette, digital video disc, video-CD, CD-i, laser disc, minidiscs, mp3 and CD recorders and players and their peripherals featuring entertainment, information, multimedia material, manuals and instructional material; televisions; headphones; binoculars; sunglasses; eyeglasses; mouse pads; stand alone video game machines; burglar and fire alarms ]; stereo equipment, namely, [ stereo receivers and amplifiers, CD, ] mp3 [ and minidisc ] players and speakers \* sold as component parts of mobile telephones \*. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19940000

IC 038. US 100 101 104. G & S: Telecommunication and wireless communication services, namely, [ satellite transmission, telephone communication, telegram transmission, teletext, facsimiles and ] electronic mail, [ television broadcasting, electronic voice messaging, namely, recording, storage and subsequent transmission of voice messages by telephone, video conferencing, ] electronic transmission of [voice, ] video, messages and data, [ voice transmission, voice mail, digital text messaging, facsimile mail and paging services; providing access to a fiber-optic telecommunications network, network management and administration, telecommunications network planning, and radio broadcasting; providing telecommunication connections to a global computer network; providing multiple-user access to a global computer information network via computers, wireless devices, radio pagers, cellular telephones and personal digital assistants; rental and leasing of telecommunication networks and telecommunications apparatus, namely, base stations comprising of antennas and antenna towers, transmitters, receivers, signal processors, microwave radio links, cable links, power supplies and cabinets, electronic base station controllers, directional antennas, microwave radios, telephone exchanges, transmission equipment for use in communications, access nodes, switching apparatus for telecommunication purposes, servers, routers, data cards, modems, multiplexers, electrical cables and optical fiber cables, software and programs for scrambling, descrambling, encoding and decoding of voice, data, images and video ]. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19940000

IC 042. US 100 101. G & S: [ Basic and applied research in the fields of physics, chemistry, engineering, computer programming, information technology and telecommunications; research and development of new products for others in the field of telecommunications; research and development of new products for others in the field of telecommunication and information technology; computer software design for others; ] computer database design for others; computer software interface design for others; [ computer programming for others; design and development of digital telecommunications systems for public and private networks; rental and leasing of data processing programs; consulting services in the field of telecommunications live and via the global computer information network; computer consultation services via the global computer network; ] distributing audio, video and multimedia content via global computer networks; providing customized computer services that permit the user to receive personalized information via the global computer network or via \*

mobile telephones and mobile [ tablet ] computers \* [ hand-held wireless devices including radio pagers, cellular telephones, personal communication services, and personal digital assistants ]; providing customized and personalized information on a wide variety of topics via [ wireless devices and a ] global computer networks, \* mobile telephones and mobile computers \*. computer services, namely, providing an interactive web site [ on a global computer network, ] accessible via computer \* mobile telephones and mobile [ tablet ] computers \* [ land-line and wireless communication devices, ] which interactive site contains a personal data center, featuring a customizable address book, calendar, e-mail center, and other personal scheduling and productivity tools, and which also contains a wide variety of information about communications products, services, technology and other general interest information in the field of communications. FIRST USE: 19780000. FIRST USE IN COMMERCE: 19940000

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 76326538

**Filing Date** October 16, 2001

**Current Basis** 1A

**Original Filing Basis** 1B;44D

**Published for Opposition** December 3, 2002

**Change In Registration** CHANGE IN REGISTRATION HAS OCCURRED

**Registration Number** 2690201

**Registration Date** February 25, 2003

**Owner** (REGISTRANT) Nokia Corporation CORPORATION FINLAND Keilalahdentie 4 02150 Espoo FINLAND

**Attorney of Record** Lisa W. Rosaya

**Priority Date** October 4, 2001

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20130306.

**Renewal** 1ST RENEWAL 20130306

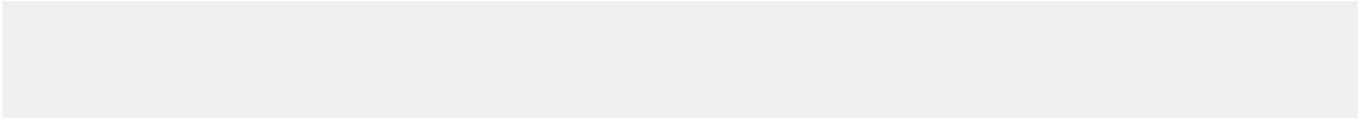
**Other Data** The color of this mark is blue.

**Live/Dead Indicator** LIVE

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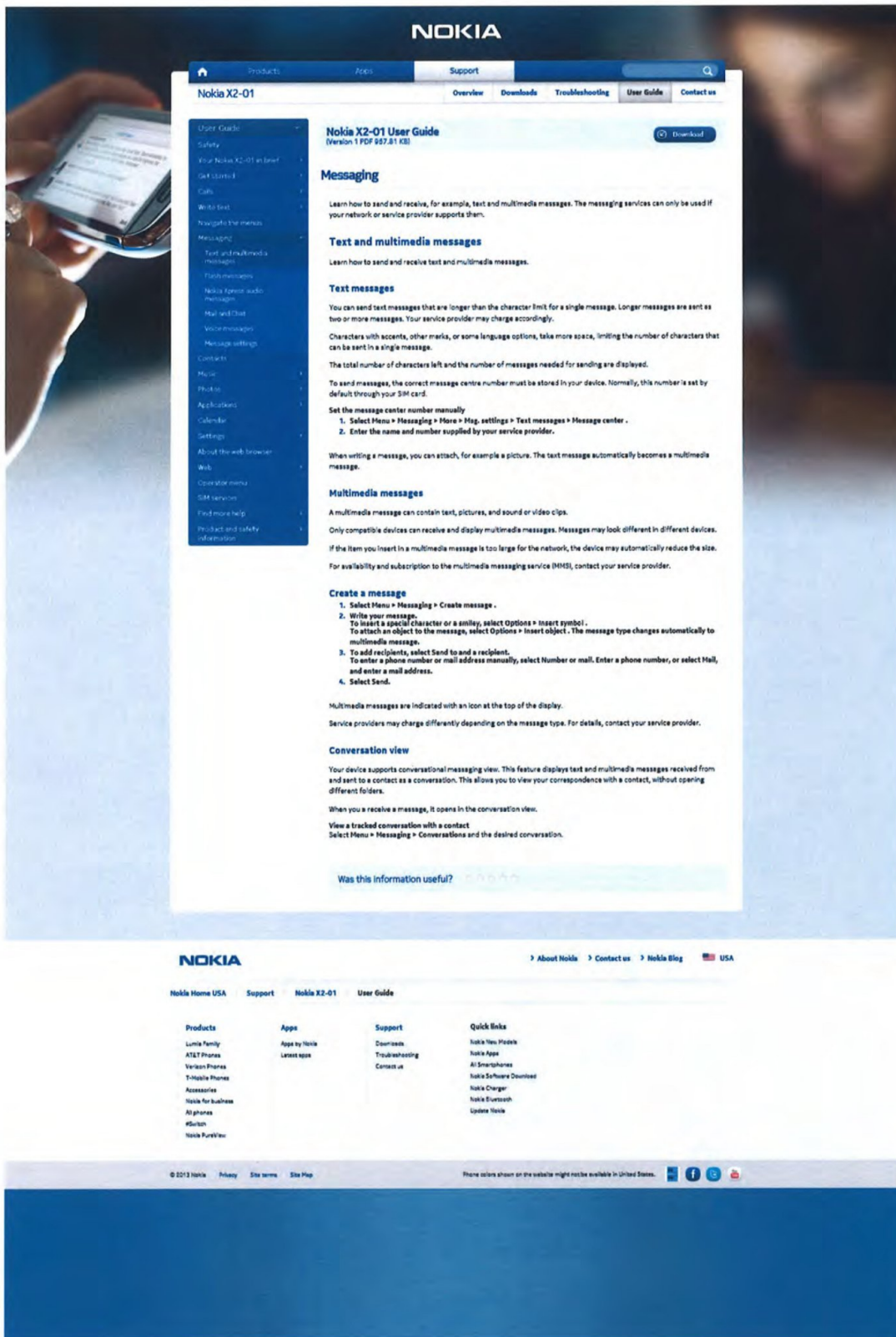


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Wii

<b>Word Mark</b>	WII
<b>Goods and Services</b>	IC 009. US 021 023 026 036 038. G & S: Accessories for electronic video and computer game systems, namely, player-operated electronic controllers; accessories for computer and video games, namely, player-operated electronic controllers for electronic game machines incorporated into a platform on which the user stands, sits and otherwise presses against to produce interactive input for a computer game and video game; electronic game controllers, namely, player-operated electronic controllers for electronic video games machines; computer and video game interactive remote control units; motion sensitive and interactive video game remote control units; player-operated electronic controllers and video game joysticks for electronic video game machines to impart sensory feedback, namely, sounds and vibrations that are perceptible to the user; video game controllers for computer games; video game controllers for computer games in the shape of a toy gun; video game controllers for computer game machines. FIRST USE: 20061119. FIRST USE IN COMMERCE: 20061119
<b>Mark Drawing Code</b>	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
<b>Serial Number</b>	77794186
<b>Filing Date</b>	July 31, 2009
<b>Current Basis</b>	1A



**Original Filing Basis** 1A  
**Published for Opposition** January 17, 2012  
**Registration Number** 4119959  
**Registration Date** April 3, 2012  
**Owner** (REGISTRANT) Nintendo of America Inc. CORPORATION WASHINGTON 4600 150th Avenue NE Redmond WASHINGTON 98052  
**Attorney of Record** Jerald E. Nagae, Reg. No. 29,418  
**Prior Registrations** 3500328;3531931;3599330;AND OTHERS  
**Description of Mark** The color(s) gray is/are claimed as a feature of the mark. The mark consists of the stylized word "Wii" shown in gray.  
**Type of Mark** TRADEMARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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# WII

<b>Word Mark</b>	WII
<b>Goods and Services</b>	IC 038. US 100 101 104. G & S: Wireless electronic transmission of voice signals, wireless voice mail services. FIRST USE: 20081116. FIRST USE IN COMMERCE: 20081116
<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Trademark Search Facility Classification Code</b>	LETS-1 W A single letter, multiples of a single letter or in combination with a design NUM-2 The number 2 or the word Two
<b>Serial Number</b>	78870871
<b>Filing Date</b>	April 27, 2006
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for</b>	

**Opposition** May 1, 2007  
**Registration Number** 3578014  
**Registration Date** February 17, 2009  
**Owner** (REGISTRANT) Nintendo of America Inc. CORPORATION WASHINGTON 4820  
150th Avenue NE Redmond WASHINGTON 98052  
**Attorney of Record** Jerald E. Nagae  
**Type of Mark** SERVICE MARK  
**Register** PRINCIPAL  
**Live/Dead Indicator** LIVE

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## What is Wii Speak™?

The Wii Speak accessory is a hands-free microphone for the Wii console that rests on top of your TV set. Together with the Wii Speak Channel, you can use the Wii Speak accessory to talk with your Wi Friends who also have a Wii Speak accessory or send them voice messages even if they're on the other side of the world.

Wii Speak Microphone

Wii Speak Channel

Buy Now

\*The Wii Speak accessory is sold separately - unless bundled with Animal Crossing™: City Folk at select retailers - and requires a router and broadband Internet connection.

### Speak with Friends in Animal Crossing: City Folk

Customize your town, your house, and yourself in this game of endless possibilities. Then, interact with other players in real time via the Wii Speak microphone! Visit the [website](#).



### Wii Speak Channel

To download the Wii Speak Channel, visit the Wii Shop Channel and enter your Wii Download Ticket Number (included with your Wii Speak accessory at time of purchase). [Learn More.](#)



Wii Speak Channel Coming in December



## EXHIBIT 6



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**Owner** (REGISTRANT) Nintendo of America Inc. CORPORATION WASHINGTON 4600 150th Avenue NE Redmond WASHINGTON 98052

**Attorney of Record** Jerald E. Nagae, Reg. No. 29,418

**Type of Mark** SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120328.

**Renewal** 1ST RENEWAL 20120328

**Live/Dead Indicator** LIVE

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Welcome to the Nintendo GameCube support area. Here you can find everything from hookup assistance to repair information. **Scroll down to find the category you need assistance with, or use the drop-down menu below to find the category on this page.**

Choose your topic

### Setup and Installation

This section provides information on properly connecting your Nintendo GameCube, as well as other connection and start up issues. What you'll find in this section:

- [Connecting to a TV or VCR](#)
- [Component Video hookups](#)
- [Installing the Game Boy Player](#)
- [Broadband and Modem Adapter](#)
- [Installing in an automobile](#)
- [Other hookup options](#)

### Troubleshooting

Is your system, accessory, or game not working correctly? [This section](#) can help you with your troubleshooting needs.

- [Blank screen after everything's connected](#)
- [Error messages](#)
- [Power problems](#)
- [Video/picture problems](#)
- [Accessory problem](#)
- [Problems with a single disc](#)
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[See all troubleshooting topics](#)

### Repairs

If the troubleshooting section (see above) didn't solve the problem, our [repair section](#) will tell you how you can have your system, game, or accessory repaired or replaced. This section also includes information on your product's warranty.

### LAN and Online Play

This section will assist you with the setup of a Local Area Network (LAN) connection with your Nintendo GameCube. Information regarding online play is also available. [Click here](#) for more information.

### Accessories

Need help with a Nintendo GameCube accessory? Choose one from the list below, or [click here](#) for a complete list.

- [Game Boy Player](#)
- [WaveBird Wireless Controller](#)
- [Memory Card](#)
- [DK Bongo Controller](#)
- [RF Switch and Modulator](#)
- [Accessories Troubleshooting](#)

### Game Boy Advance Connectivity

Have questions about connecting your Game Boy Advance(s) to a Nintendo GameCube? [This information](#) will explain the general concept, show you how to tell which games are compatible, and provide general instructions for connecting the systems together.

[Frequently-Asked Questions](#)



Have a question about using your system, but can't find the answer? [Click here](#) to view all the questions, or chose from the popular topics below.

- [Important! Power Memory Cards](#)
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- [How to get game play help](#)
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- [Need a replacement?](#)

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## Browse boards

### Welcome

MESSAGE BOARD

**Welcome to Nintendo's Tech Support Forums**  
Nintendo's Tech Support Forums is a place where you can ask and answer technical questions about any Nintendo product. Please read our [Welcome Message](#) to see what it's all about.

**General Questions About Our Forums**  
If you need help using our forums, or if you're unsure what is or is not an appropriate topic, find your answer here.

### Wii

MESSAGE BOARD

**Connecting Your Wii to the Internet**  
Have a question about connecting your Wii to the internet, including router information, WiiConnect24 and Wii messages? Post it here!

**Wii Technical Questions**  
Post all other Wii technical questions here!

### Nintendo DS

MESSAGE BOARD

**Nintendo Wi-Fi Connection**  
If you have a question about setting up Nintendo Wi-Fi Connection for your Nintendo DS, post it here!

**Technical Questions for Nintendo DS**  
Post all other Nintendo DS technical questions here!

### All Other Systems

MESSAGE BOARD

**Nintendo GameCube**  
This is the place to discuss technical questions or issues you may have with Nintendo GameCube.

**All Game Boy Questions**  
This is the place to discuss technical issues related to all Game Boy systems.

**Older Nintendo Systems**  
Have a question about older Nintendo systems? This is the place to discuss technical issues related to all these older systems.

### Game Technical Help

MESSAGE BOARD

**Super Smash Bros. Brawl**  
This board is the place to post any technical questions regarding Super Smash Bros. Brawl.

**Wii Games**  
Do you have a technical question about a Wii game? Post your question here.

**Virtual Console Games**  
Post questions here if you are having technical issues related to Virtual Console games from the Wii Shop Channel.

**Nintendo DS Games**  
Have a technical question about a Nintendo DS game? Post your question here.

**Nintendo GameCube Games**  
If you have a technical question about a Nintendo GameCube game, post it here.

## Announcements

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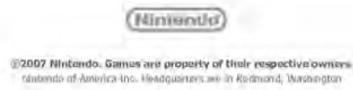
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**Standard  
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**Mark Drawing  
Code** (4) STANDARD CHARACTER MARK

**Serial  
Number** 77645205

**Filing Date** January 7, 2009

**Current Basis** 1A

**Original  
Filing Basis** 1B

**Published for  
Opposition** April 20, 2010

**Registration  
Number** 4388321

**Registration  
Date** August 20, 2013

**Owner** (REGISTRANT) Research In Motion Limited CORPORATION CANADA 295 Phillip St. Waterloo CANADA N2L3W8

**Attorney of  
Record** Jeffrey H. Kaufman

**Prior  
Registrations** 2672464;2700671;2844340;AND OTHERS

**Description** Color is not claimed as a feature of the mark.

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Type of Mark TRADEMARK, SERVICE MARK

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**Goods and Services** IC 009. US 021 023 026 036 038. G & S: Wireless communications devices, namely, mobile phones, cellular telephones, personal digital assistants, and hand-held computers; computer software for wireless telecommunications for use with wireless devices. FIRST USE: 20101100. FIRST USE IN COMMERCE: 20101100  
**Standard Characters Claimed**  
**Mark Drawing Code** (4) STANDARD CHARACTER MARK  
**Serial Number** 85979589  
**Filing Date** September 29, 2011  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** November 20, 2012  
**Registration**

**Number** 4389703  
**International  
Registration  
Number** 1095057  
**Registration  
Date** August 20, 2013  
**Owner** (REGISTRANT) Microsoft Corporation CORPORATION WASHINGTON One Microsoft Way Redmond  
WASHINGTON 980526399  
**Attorney of  
Record** William O. Ferron, Jr.  
**Prior  
Registrations** 1872264;1959130;2565965;AND OTHERS  
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<b>Standard Characters Claimed</b>	
<b>Mark Drawing Code</b>	(4) STANDARD CHARACTER MARK
<b>Serial Number</b>	85435856
<b>Filing Date</b>	September 29, 2011
<b>Current Basis</b>	1A
<b>Original Filing Basis</b>	1B
<b>Published for Opposition</b>	November 20, 2012
<b>Registration Number</b>	4502119
<b>International Registration</b>	1095057

**Number****Registration Date** March 25, 2014**Owner** (REGISTRANT) Microsoft Corporation CORPORATION WASHINGTON One Microsoft Way Redmond WASHINGTON 980526399**Attorney of Record** William O. Ferron, Jr.**Prior Registrations** 1872264;1959130;2565965;AND OTHERS**Disclaimer** NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "PHONE" APART FROM THE MARK AS SHOWN**Type of Mark** SERVICE MARK**Register** PRINCIPAL**Live/Dead Indicator** LIVE

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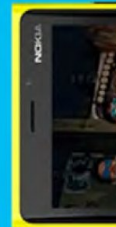
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Nokia Lumia 928 White - 4G LTE

## Specifications

The Nokia Lumia 928 - 4G LTE for Verizon Wireless is powered by Windows Phone 8, a Microsoft operating system. Featuring a 8.7 megapixel PureView camera and world class Carl Zeiss optics, it lets you capture and relive the moment, just like it happened. Pictures and HD videos are true-to-life, even in low-light situations, thanks to features like backside illumination and optical image stabilization to reduce blurred images and jittery video caused by moving your camera. Capture distortion-free sound and video whether you're at a concert or sporting event, helping you to relive the moment with one of the most advanced speakers. Windows Phone 8 smartphones move seamless from your home to your office PC to even your Xbox or tablet. With apps pre-loaded and available to download, you can customize your Nokia Lumia 928 - 4G LTE to keep you productive and entertained on the go.

## HIGHLIGHTS

- A Windows Phone 8 Smartphone Running on Verizon's Nationwide 4G LTE Network
- 8.7MP PureView camera with Auto Focus, Carl Zeiss Tessar Lens and Xenon Flash rear-facing camera
- 4.5", PureMotion HD+ WXGA, OLED display, 24 bit, 16M colors; protected by Corning Gorilla Glass 2
- Tap & Share with other NFC-enabled devices
- Connect Face-to-face Using The Front-facing 1.2 Camera For Video Chats
- The Fierce Power Of Verizon's 4G LTE Network With A Speedy Dual-core Snapdragon Processor
- Watch Movies and TV Shows On Netflix Without Buffering With Verizon's 4G LTE Network

## WHAT'S IN THE BOX

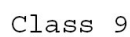
- Charger-Yes
- Reference Guide-Quick Start Guide, Product Safety & Warranty Brochure
- SIM-Yes
- USB Cable-Yes

## QUICK LOOK FEATURES & SPECIFICATIONS

- Camera Megapixels-8.7 MP
- Camera (Front)-Yes
- Touch Screen-Yes
- Int'l Compatible-Yes
- GPS Capable-Yes
- Use as a Modem-Yes
- Email-Yes
- Mobile Web Browsing-Yes
- WiFi-Yes
- 4G-Yes
- 3G-Yes
- Display-4.5", PureMotion HD+ WXGA, OLED display
- Operating System-Windows Phone 8 ("Win8")
- Keyboard-Virtual QWERTY
- Built-In Memory-32 GB
- Dimensions-5.24" x 2.71" x 0.4"
- Weight-5.75 Ounces
- Battery Type-Li-Ion
- Standby Time-Up To 21.38 Days
- Talk Time-Up To 17.7Hours
- Data Plan-Required

## MESSAGING FEATURES

- Text Messaging (SMS)-Send and Receive Text Messages
- Instant Messaging-Chat On-the-go With Instant Messenger Services



Windows Phone

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Contacts

Outlook.com account FAQ

Texting and Messaging

Email


Calendars

Social networking

Set up or delete a company account

Texting and Messaging

Chats don't need to end when you step away from your computer. On Windows Phone, text and chat are brought together. You can chat in Messaging, or switch from chat to text (and vice versa) to take the conversation anywhere.



Check out following topics to see what else you can do with text messaging and chatting in Windows Phone.

- [Send a text or chat](#)
- [Share photos, video, and more in a text message](#)
- [Save a photo from a message](#)
- [Set up a Facebook account](#)

Tell us what you think

## EXHIBIT 9





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**Word Mark  
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BLACKBERRY

IC 009. US 021 023 026 036 038. G & S: Electronic handheld units and accessories therefore, namely, batteries, cases, battery chargers, holsters and antennas, for the wireless receipt and/or transmission of data and which may also have the capability to transmit and receive voice communications, namely handheld computers and personal digital assistants; computer communications software for the transmission and/or reception of messages, global computer network e-mail, and/or other data between one or more electronic handheld units and a data store on or associated with a personal computer or a server; computer communication software for the synchronization of data between a remote station or unit and a fixed or remote station or unit and software which enables and provides one-way and/or two-way wireless connectivity to data, including corporate data. FIRST USE: 20040623. FIRST USE IN COMMERCE: 20040623

IC 038. US 100 101 104. G & S: e-mail service; wireless data messaging services, particularly services that enable a user to send and/or receive messages through a wireless data network; one-way and two-way paging services; transmission and reception of voice communication services. FIRST USE: 20040623. FIRST USE IN COMMERCE: 20040623

IC 041. US 100 101 107. G & S: consulting and educational services namely, classes, seminars and conferences for the purpose of providing information to third



parties to assist them in developing and integrating one way or two way wireless connectivity to data, including corporate data, and/or voice communications. FIRST USE: 20040623. FIRST USE IN COMMERCE: 20040623

**Mark Drawing Code** (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design Search Code** 05.09.01 - Berries; Raspberries; Strawberries  
25.03.25 - Backgrounds covered with other figurative elements or repetitive designs, words or letters; Repetitive designs, words, or letters as a background

**Serial Number** 76610159

**Filing Date** September 3, 2004

**Current Basis** 1A

**Original Filing Basis** 1A

**Published for Opposition** March 21, 2006

**Registration Number** **3102687**

**Registration Date** June 13, 2006

**Owner** (REGISTRANT) Research In Motion Limited CORPORATION CANADA 295 Phillip Street Waterloo, Ontario CANADA N2L 3W8

(LAST LISTED OWNER) BLACKBERRY LIMITED CORPORATION CANADA 2200 University Avenue East Waterloo, Ontario CANADA N2K0A7

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Andrew D. Price

**Prior Registrations** 2402763;2672464;2672472;2678454;2700671;2700678;2842571;2844339;2844340; AND OTHERS

**Description of Mark** Color is not claimed as a feature of the mark.

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

**Affidavit Text** SECT 15. SECT 8 (6-YR).

**Live/Dead Indicator** LIVE

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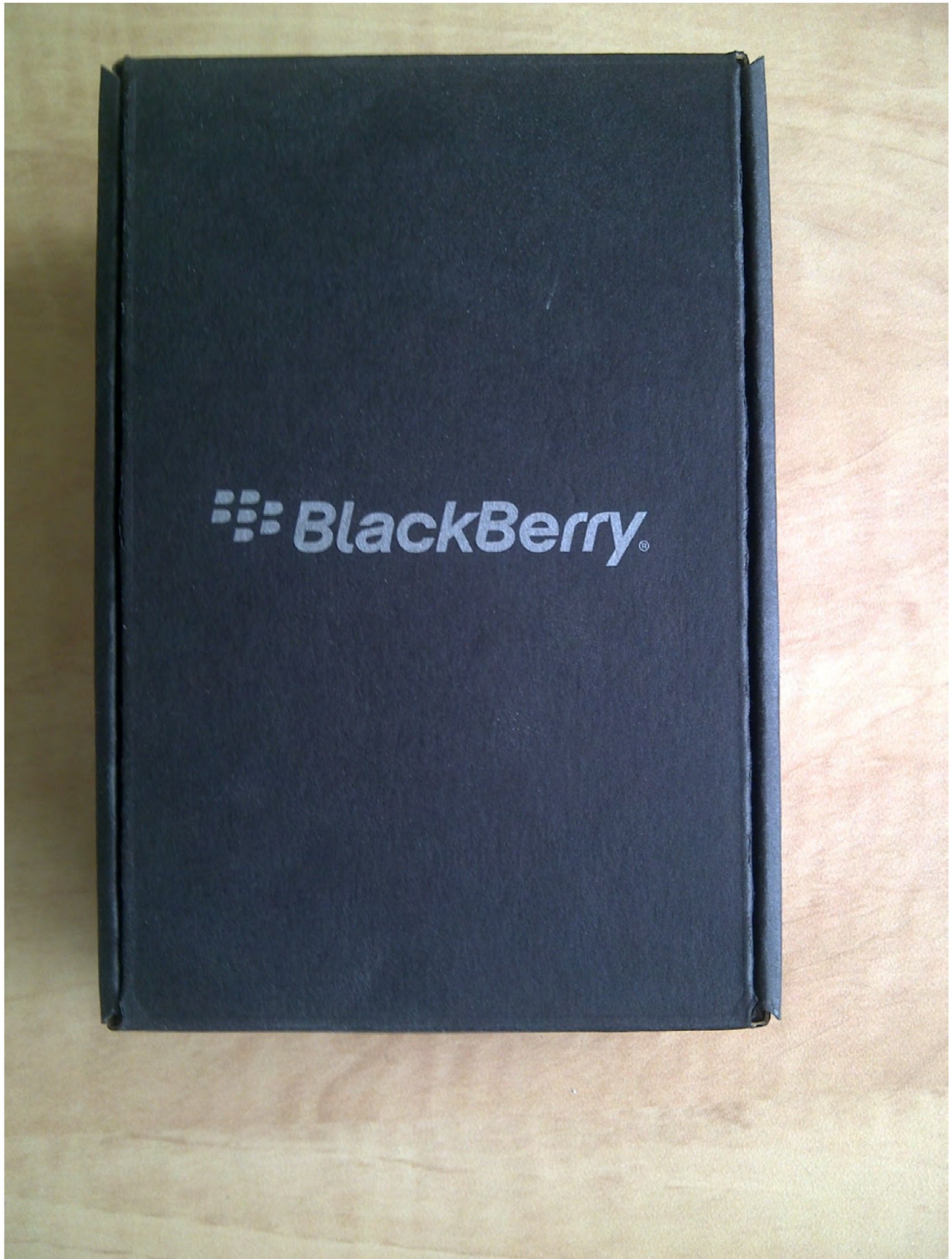
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Class 9 Specimen





Class 9 Specimen



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representation, warranty, endorsement or guarantee in relation to any aspect of any third party products or services. The BlackBerry® smartphone contains a Lithium Ion battery. Please review the Safety and Product Information Booklet (included) for information on safe battery use and disposal.

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toute obligation ou responsabilité et n'émet aucune représentation, garantie ou approbation concernant les différents aspects des produits ou services tiers. Le smartphone BlackBerry® contient une batterie au lithium-ion. Pour obtenir plus d'informations sur l'utilisation et la mise au rebut de la batterie en toute sécurité, reportez-vous au livret de consignes de sécurité et d'informations produit (inclus).

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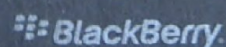
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**Word Mark  
Goods and  
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ON STAR

IC 009. US 021 023 026 036 038. G & S: Navigational system, comprising electronic transmitters, receivers, circuitry, microprocessors, cellular telephone and computer software all for use in navigation and all incorporated into a motor vehicle. FIRST USE: 19971129. FIRST USE IN COMMERCE: 19971129

IC 037. US 100 103 106. G & S: PROVIDING ROADSIDE EMERGENCY SERVICES, NAMELY REMOTE DOOR UNLOCK, THEFT DETECTION AND NOTIFICATION, STOLEN VEHICLE TRACKING, AUTOMATIC NOTIFICATION OF AIRBAG DEPLOYMENT, VOICE ROUTING AND LOCATION ASSISTANCE AND CONVENIENCE SERVICES THROUGH COMPONENTS INTEGRATED INTO A MOTOR VEHICLE, NAMELY TRANSMITTERS, RECEIVERS, MICROPROCESSORS, SOFTWARE, CELLULAR PHONE, AND ELECTRICAL ARCHITECTURE ALL INTERACTING WITH GLOBAL POSITION SYSTEM AND SATELLITE TECHNOLOGY AND A CUSTOMER SERVICE CENTER. FIRST USE: 19971129. FIRST USE IN COMMERCE: 19971129

IC 038. US 100 101 104. G & S: TELECOMMUNICATION SERVICES, NAMELY, ELECTRONIC TRANSMISSION OF VOICE MESSAGES AND DATA. FIRST USE: 19971129. FIRST USE IN COMMERCE: 19971129

**Mark Drawing  
Code**

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

**Design** 01.01.03 - Star - a single star with five points  
**Search Code** 26.01.21 - Circles that are totally or partially shaded.  
**Serial Number** 75396973  
**Filing Date** November 28, 1997  
**Current Basis** 1A  
**Original Filing Basis** 1B  
**Published for Opposition** June 22, 1999  
**Registration Number** **2556316**  
**Registration Date** April 2, 2002  
**Owner** (REGISTRANT) GENERAL MOTORS CORPORATION CORPORATION  
DELAWARE 3044 West Grand Boulevard Detroit MICHIGAN 48202  
  
(LAST LISTED OWNER) ONSTAR, LLC LIMITED LIABILITY COMPANY  
DELAWARE 400 RENAISSANCE CENTER DETROIT MICHIGAN 482654000  
**Assignment Recorded** ASSIGNMENT RECORDED  
**Attorney of Record** Timothy G. Gorbatoﬀ  
**Prior Registrations** 2088310;2102310  
**Description of Mark** Color is not claimed as a feature of the mark.  
**Type of Mark** TRADEMARK. SERVICE MARK  
**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20120401.  
**Renewal** 1ST RENEWAL 20120401  
**Live/Dead Indicator** LIVE

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## Welcome.

Congratulations on your purchase of an OnStar-equipped vehicle. Using several innovative technologies, OnStar can provide you with the latest information and assistance when you're on the road. Now you can enjoy the peace of mind that comes with knowing you're doing all you can to help keep you, your family, and your vehicle safe.

Take a moment to familiarize yourself with the three OnStar buttons. They are usually located on the inside rearview mirror, in the overhead console, or near the radio display.

The white phone button is the Hands-Free button, the blue button is the OnStar button, and the red button is the emergency button. The blue button can connect you to a specially trained OnStar Advisor 24 hours a day, 365 days a year, for assistance.

**Push the blue button now  
and an Advisor can help orient  
you with your new system.**

*A note to owners of preowned vehicles:  
Press the blue button now and an Advisor  
will explain your subscription plan options.*

In the event of an emergency, push the red emergency button. Your vehicle is designed to send your current location to an OnStar Advisor who can find out what assistance you need, and notify nearby emergency service providers.\* The system can also automatically call OnStar if your air bags deploy. But OnStar isn't just there for you in an emergency; it's there for you every day for the little things, too. If you accidentally lock your keys inside your car, an OnStar Advisor can send a signal to unlock your door. And if your car is stolen, OnStar can help the police locate it.\*\*

One of the most popular features is OnStar hands-free Calling that allows you to make and receive calls Hands-Free with voice-activated dialing. It's a convenient, safer way to stay connected when you're behind the wheel. OnStar Hands-Free Calling should be fully active within a few days after the delivery of your new vehicle.

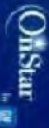
Read on and learn more about OnStar Hands-Free Calling and start making calls today. Every new OnStar equipped vehicle comes with a 30 complimentary minutes good for 2 months – no strings attached.

Owner Guides are available in Spanish and French languages. Visit [www.onstar.com](http://www.onstar.com). Your vehicle can be programmed to respond in French or Spanish language; just press the OnStar button and ask an Advisor. OnStar Advisors can speak French or Spanish as well.

**Please keep this guide in your vehicle for reference.** You can also learn how OnStar works by listening to the enclosed audio CD. Thank you for choosing an OnStar-equipped vehicle.

\*Secondaries with restrictions.

\*\*OnStar service requires vehicle's theft-detection system (including battery, wireless service, and GPS satellite signals) to be available and operating for features to function properly. OnStar will do a test to an emergency service provider. See "Additional Information" section on pages 25-44 for system limitations and details.



OnStar Owner's Guide



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# NIKEFUEL

**Word Mark  
Goods and  
Services**

NIKEFUEL

IC 009. US 021 023 026 036 038. G & S: Electronic monitoring devices incorporating microprocessors, digital display, and accelerometers, for detecting, storing, reporting, monitoring, uploading and downloading sport, fitness training, and activity data to the Internet, and communication with personal computers, regarding time, pace, speed, steps taken, athletic skill, calories burned, distance; USB hardware and software; computer software for fitness; electronic monitoring devices incorporating indicators that light up and change color based on wearer's cumulative activity level. FIRST USE: 20121031. FIRST USE IN COMMERCE: 20121031

IC 038. US 100 101 104. G & S: Providing an on-line forum for registered users for sharing information regarding personal activities, fitness, and social networking. FIRST USE: 20120222. FIRST USE IN COMMERCE: 20120222

IC 041. US 100 101 107. G & S: Providing a website featuring information regarding fitness training, and athletic skill development; providing a website featuring fitness instructions and sessions; providing a website featuring pre-recorded athletic and fitness sessions; entertainment services, namely, incentive award programs designed to reward program participants who exercise. FIRST USE: 20120222. FIRST USE IN COMMERCE: 20120222

IC 042. US 100 101. G & S: Providing an interactive web site that enables users to

enter, access, track progress, monitor and generate calories, fitness, personal exercise, and athletic activity information and achievements. FIRST USE: 20120222. FIRST USE IN COMMERCE: 20120222

**Standard  
Characters  
Claimed**

**Mark Drawing  
Code** (4) STANDARD CHARACTER MARK

**Serial Number** 85081287

**Filing Date** July 9, 2010

**Current Basis** 1A

**Original Filing  
Basis** 1B

**Published for  
Opposition** November 30, 2010

**Registration  
Number** 4396516

**Registration  
Date** September 3, 2013

**Owner** (REGISTRANT) Nike, Inc. CORPORATION OREGON One Bowerman Drive  
Beaverton OREGON 97005

**Attorney of  
Record** Jaime M. Lemons

**Prior  
Registrations** 0978952;1214930;1945654;AND OTHERS

**Type of Mark** TRADEMARK. SERVICE MARK

**Register** PRINCIPAL

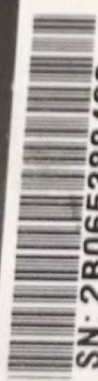
**Live/Dead  
Indicator** LIVE

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SN: 2B065388423



- To download the User's Guide and the limited warranty for this product, please go to [nikeplus.com/support](http://nikeplus.com/support).
- Pour télécharger le Guide de l'utilisateur et la garantie limitée de ce produit, veuillez vous rendre sur [nikeplus.com/support](http://nikeplus.com/support).



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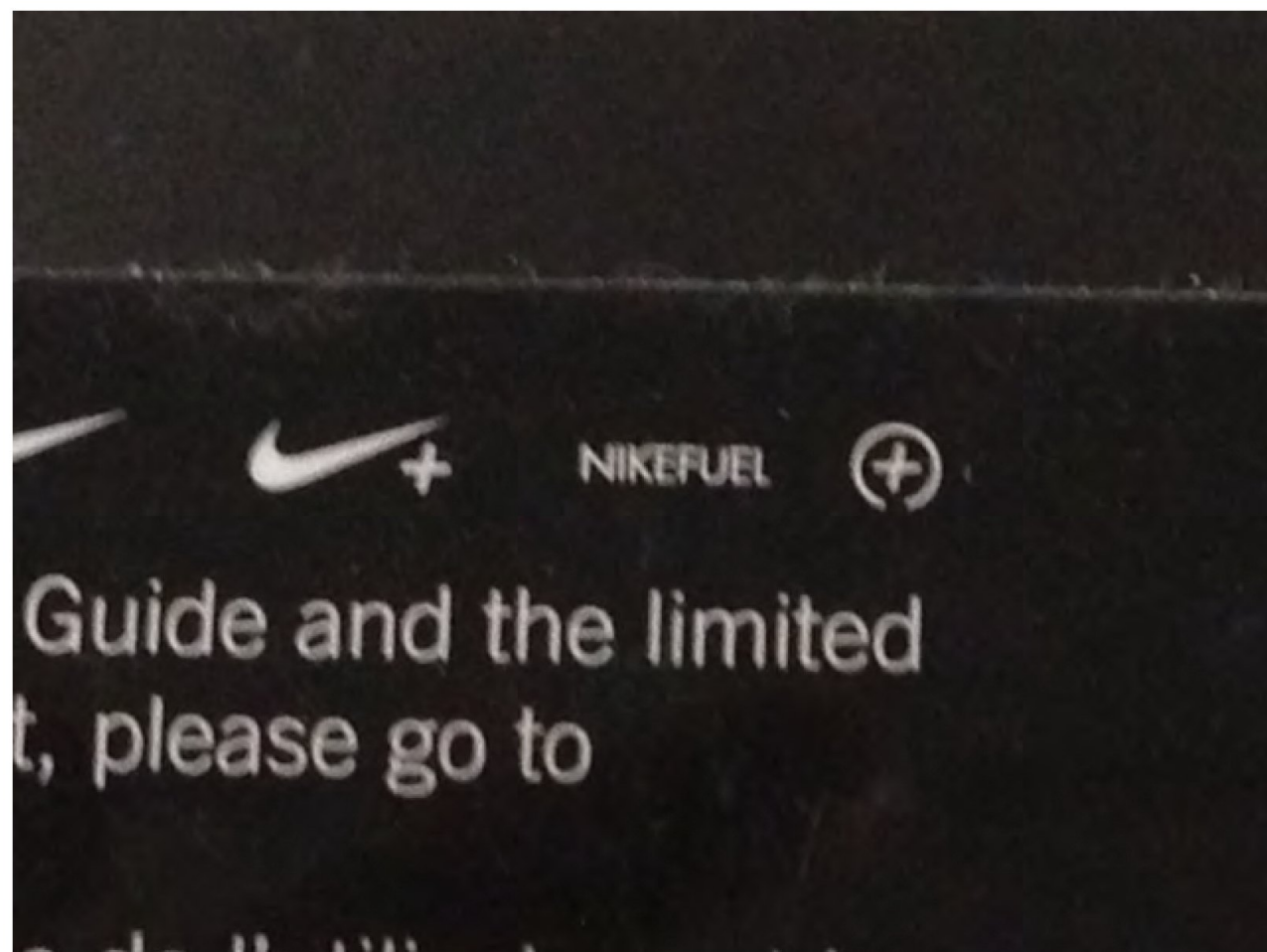
NIKE+ FUEL BAND  
SIZE: M/L  
CLEAR/WHITE/POLISHED STEEL  
BLANC

WM0105 100 EC6 122012

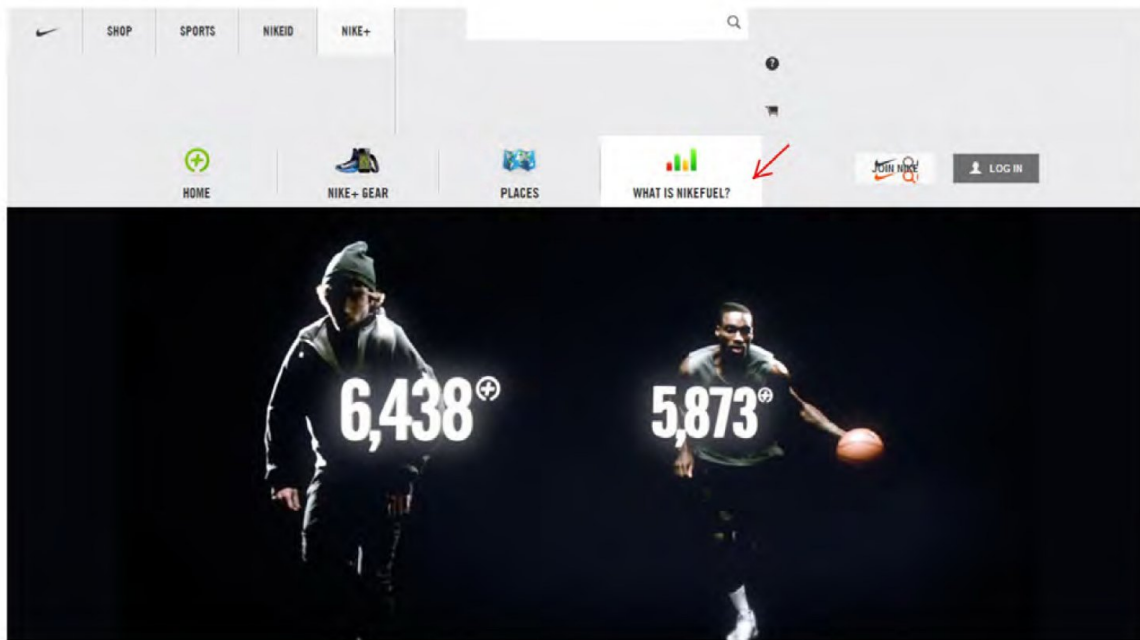


8 26220 76612 6

Lift to open - Soulever pour ouvrir







## THE ULTIMATE MEASURE OF YOUR ATHLETIC LIFE

NikeFuel counts all the activities of your athletic life. Running, walking, basketball. Nike+ devices measure your moves and turn them into NikeFuel. And since NikeFuel is calculated the same way for everyone, you can compare and compete with anyone.

[SEE ALL NIKE+ GEAR](#)



## CALCULATE. COMPARE. COMPETE.



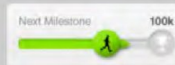
### Visualize Your Progress

See all your activity in rich graphs and charts. Spot trends, get insights and discover things about yourself you never knew before.



### Play With Friends

NikeFuel is calculated the same way for everyone no matter your age, gender or sport of choice. Share with friends to see how you



### Get Extra Motivation

The more you move, the more NikeFuel you earn. Do more and unlock awards, trophies and surprises.



### Share Your Success

Share your accomplishments with friends and other Nike+ members. Get cheers and since NikeFuel is a universal metric,

stack up

challenge them to match it.

## NIKEFUEL STARTS WITH NIKE+ DEVICES

Nike+ devices track your runs, your walks, your entire athletic life.

SEE ALL NIKE+ GEAR



### Nike+ FuelBand ▶

Measures everyday activity and turns it into NikeFuel. Tracks calories burned, steps taken and more.



### Nike+ SportWatch ▶

GPS tracking, takes splits, reminds you to run and even remembers all of your PRs.



### Nike+ Running App ▶

Map your runs, track your progress and get the motivation you need to go even further. Hear cheers, play tag and more.



### Nike+ Basketball ▶

Measures your game. Raises the game. Nike+ sensors track how high, quick and hard you play.

## GET HELP

Need assistance?

[NIKE+ SUPPORT ▶](#)

Get additional Nike support on:



[FACEBOOK](#)



[TWITTER](#)

## TOP FAQs

[MORE FAQs ▶](#)

## SHOP

Get Geared Up

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# iPhone Assistant

Choose one of the following topics to learn how to solve most common iPhone issues.




Setting up and troubleshooting Mail 




Issues updating or restoring iPhone 



Joining and troubleshooting Wi-Fi networks 




iPhone not appearing in iTunes 



Using apps on your iPhone 




AirPrint setup and troubleshooting 



Frozen or unresponsive iPhone 



Calls and connection issues 



Voicemail issues 

# iPhone Support

- Welcome 
  - iPhone Essentials 
  - Phone, Messages & FaceTime 
  - Syncing 
  - Features, Apps & Settings 
  - Mail, Contacts & Calendars 
  - Wi-Fi, AirPlay & AirPrint 
  - Accessories & Bluetooth 
  - Enterprise **
  - Contact Support 
- 
- Manuals 
  - Tech Specs 
  - Communities 

## Enterprise



### iPhone in Business – IT Center

Learn more about security, deployment, and apps, plus browse IT resources to deploy iPad in virtually every business environment.



### iPhone Support Communities – Enterprise

Discuss this topic with fellow iPhone users.



### AppleCare Enterprise Support Products

Learn about the AppleCare OS Support plan, IT department-level support for iPhone and other iOS devices.

## Apple Configurator



### Apple Configurator Help

Apple Configurator makes it easy for anyone to deploy iPhone, iPad and iPod touch in their school or business. Apple Configurator can be used to quickly configure large numbers of iOS devices with the settings, apps and data you specify for your students, employees or customers.



#### 1 Apple Configurator: Backing up and restoring data



2 You can use Time Machine or any other backup strategy to back up and restore Apple Configurator data including device configurations, users, apps, documents, iOS versions, and VPP redemption codes.



#### 1 Using Volume Purchase Program (VPP) Redemption Codes



2 Learn how to use Apple Configurator to deploy copies of paid apps using redemption codes purchased from the Volume Purchase Program (VPP).



#### 1 Using Apple Configurator to enroll devices in Profile Manager



2 Learn how to import Enrollment Profiles created in Profile Manager into Apple Configurator, then install the profiles onto devices.



#### 1 Preserving user-installed apps when updating settings on an assigned device



2 Learn how to preserve apps installed by a user who has checked out a device that is supervised by Apple Configurator.



#### 1 Coordinating device names with labels or slot numbers in carts and racks



2 You can use Apple Configurator to assign device names that correspond to a label on the device, or to the slot numbers in a charging cart or rack.

## Exchange ActiveSync



### Exchange ActiveSync and iOS Devices

Easily integrate iOS devices with your enterprise systems, including Microsoft Exchange 2003, 2007, and 2010.



#### 1 Setting up Exchange ActiveSync



2 This article explains how to setup an Exchange ActiveSync account on your iPhone, iPad or iPod touch. Contact your Exchange Server administrator if you are unsure of any of the required information.



#### 1 Setting up a corporate email server



2 This article explains the key steps for setting up a corporate mail server which can be accessed by an iOS device. These key steps will need to be completed by the IT support team or network ...

Using S/MIME to send encrypted messages

iOS offers support for S/MIME, allowing you to send encrypted email messages. Sending encrypted



messages requires the recipient's certificate (public key); Mail accesses this certificate using one of ...



Issues with S/MIME and Exchange 2010

New to iOS 5 is support for S/MIME. Learn how to resolve issues that may occur when using iOS 5 with an Exchange 2010 account.

More support solutions for Exchange ActiveSync

## Enterprise Networking



VPN Server Configuration for iOS Devices

Reference information for configuring your VPN server to work with iOS devices.



Setting up VPN

Learn how to set up a Virtual Private Network (VPN) on your iPhone, iPad, or iPod touch.



Supported VPN protocols

This article covers the basics about the VPN protocols that iOS supports. For making sure VPN is properly configured to work with iOS, you should contact your network administrator or IT Department. ...



Install profiles with CA Certificates to simplify enterprise Wi-Fi connection process

For a number of enterprise Wi-Fi connection types, IT administrators will deploy profiles they create with iPhone Configuration Utility to automate and/or restrict user Wi-Fi connections. Including ...



About Auto Join and per-connection password settings

When you create a Wi-Fi profile for an iOS device, you can configure a device to automatically join a configured wireless network and also use a per-connection password with a configured wireless ...

More support solutions for Enterprise Networking

## Deployment



iOS Deployment Resources

Learn how to set up, configure, and manage multiple devices whether company-owned, employee-owned, or both.



iOS Security Resources

Learn how to securely access corporate services and protect important data.



Mobile Device Management

Learn about enterprise solutions for managing iOS devices: securely enroll devices in an enterprise environment, wirelessly configure and update settings, monitor compliance with corporate policies, and even remotely wipe or lock managed devices.



Distributing Enterprise Apps for iOS Devices

Learn about ways to distribute Enterprise apps to your iOS device users.



Deploying iTunes for iOS Devices

Learn how to deploy iTunes in your Enterprise.

More support solutions for Deployment

## iPhone Configuration Utility



iPhone Configuration Utility Help

iPhone Configuration Utility lets you easily create, maintain, encrypt, and push configuration profiles, track and install provisioning profiles and authorized applications, and capture device information including console logs.



iPhone Configuration Utility for Mac OS X

Download the iPhone Configuration Utility for Mac OS X.





iPhone Configuration Utility for Windows  
Download the iPhone Configuration Utility for Windows.

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